

ROCHESTER CITY COUNCIL

REGULAR MEETING

MARCH 20, 2007

Present – President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

**DES**

\*Robert T. Baleno

**FINANCE**

\*Carl C. Klein

**RFD**

\*Mark J. Savastano

*\*Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of February 13, 2007 be approved as published in the official sheets of the proceedings.

Passed unanimously.

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The 1997, 1998, 1999, 2000, 2001, 2002 And 2005-06 Emergency Shelter Grant Programs And Corresponding Ordinances And Consolidated Community Development Plans By Transferring Unexpended Funds To Fund The 2006-07 Emergency Shelter Grant Program Int. No. 85 No speakers.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 93 No speakers.

Tuesday, March 20, 2007

Local Improvement Ordinance - Security At The Public Market Int. No. 94 No speakers

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2007-08 Int. No. 114 2 speakers. 1. Sam Spoto, 2. Larry Gardner.

Approving The Urban Renewal Plan For The Midtown Urban Renewal Project Int. No. 107 No speakers

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Midtown Urban Renewal Project Int. No. 108 No speakers

Changing The Zoning Classification Of The Midtown Plaza Parcels At 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E. Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S. Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35 Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67 Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street And 45 Euclid Street From Center City District-Tower District (CCD-T) To Midtown Urban Renewal District Int. No. 109 No speakers

#### REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
March 20, 2007

To the Council:

The Housing And Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 77 - Authorizing The Sale Of Real Estate

Int. No. 78 - Appropriating Funds For Lead-Based Paint Hazard Control/Reduction Programs

Int. No. 79 - Authorizing Agreements And Appropriating Funds For Housing Rehabilitation

Int. No. 80 - Authorizing An Agreement For Charlotte Community Improvement Projects As Part Of The Sector Targeted Initiative Program

Int. No. 81 - Authorizing An Agreement For The El Camino Trail Gateway Project As Part Of The Sector Targeted Initiative Program

Int. No. 82 - Resolution Approving Appointments To The Electrical Examining Board

Int. No. 83 - Amending Chapter 39 Of The Municipal Code, Building Code

Int. No. 84 - Resolution Approving Reappointments To The Board Of Stationary Engineers And Refrigeration Operators

The Housing & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 85 - Amending The 1997, 1998, 1999, 2000, 2001, 2002 And 2005-06 Emergency Shelter Grant Programs And Corresponding Ordinances And Consolidated Community Development Plans By Transferring Unexpended Funds To Fund The 2006-07 Emergency Shelter Grant Program

Respectfully submitted,  
Carolee A. Conklin  
Benjamin L. Douglas (*Abstained on Int. No. 85*)  
John F. Lightfoot

Tuesday, March 20, 2007

Lois J. Giess  
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-66  
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of fourteen properties. Staff have audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are structures that were sold at the May 10 and 11, 2006 Public Auction. The purchaser will be required to rehabilitate the structures within nine months of closing.

The last twelve properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-24

Ordinance No. 2007-66  
(Int. No. 77)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Legal Use</u>	<u>Purchaser</u>
19-21 Chamberlain St	107.69-1-47	40x128	\$11,000	1 Family	George F. Kraft
369 Orange St	105.82-2-64	45x72	6,500	1 Family	George F. Kraft

Section 2. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
E 1/2 of 9 Bartlett St	Pt. of 121.61-2-24	20x44	1187±	Halim M. Saeed
W 1/2 of 9 Bartlett St	Pt. of 121.61-2-24	20x64	1389±	Lue Terry & Deborah M. Stith
Pt. of 51 Bartlett St	Pt. of 121.61-2-8	18x173	3205±	Hani A.T. Shuaibi

Tuesday, March 20, 2007

Pt. of 51 Bartlett St	Pt. of 121.61-2-8	18x93	1721±	Alton Owens
Pt. of 51 Bartlett St	Pt. of 121.61-2-8	18x80	1486±	Community Temple Holiness Church*
148 Bernard St	106.24-3-30	33x150	4964±	Enrique & Ramona Ortiz
159 Cady St	120.59-2-18	33x158	5214	Joshua & Clara Avery
16 Churchlea Pl	120.43-2-70	40x52	2089±	Junior Frazier
E 1/2 of 73 Clifford Av	Pt. of 106.29-4-50	17x159	2984±	Darryl & Trina Jefferson
W 1/2 of 73 Clifford Av	Pt. of 106.29-4-50	17x171	3067±	Lamima Gilbert-Lewis
856 Clifford Av	106.33-1-61	32x144	4710±	Milton & Carmen Irizarry
122 Columbia Av	121.61-2-92	25x174	4378±	Niyoker Foster

\* Officers: Emily Anderson-Pastor; William L. Jones-Minister; Marshall Johnson-Deacon; James I. Jones-Deacon

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-67  
Re: City Lead Program

Transmitted herewith for your approval is legislation appropriating, as follows, a total of \$1,600,393 to fund the City's lead hazard control/reduction activities:

1. \$600,000 from the 2005 HOME Program;
2. \$600,393 from the 2006 HOME Program; and
3. \$400,000 from the 2005-06 Community Development Block Grant.

The City of Rochester received, in 2003 and 2004, a total of \$7,985,897 in grants from the HUD Office of Healthy Homes and Lead Hazard Control. The City is required to provide a construction funding match of \$6,661,999 to complete a total of 632 units.

Since March 2004 when the City Lead Program began, a total of \$4,346,739 has been appropriated to meet the required match. The current appropriations will bring this total to \$5,947,132. A total of 223 units have been completed and 201 units are either in process or have funds committed.

The remaining 208 units are to be completed by March 31, 2008.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-67  
(Int. No. 78)

Appropriating Funds For Lead-Based Paint Hazard  
Control/Reduction Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Tuesday, March 20, 2007

Section 1. The sum of \$600,000, or so much thereof as may be necessary, is hereby appropriated from 2005 HOME Program Funds to fund the Lead-Based Paint Hazard Control/Reduction Programs.

Section 2. The sum of \$600,393, or so much thereof as may be necessary, is hereby appropriated from 2006 HOME Program Funds to fund the Lead-Based Paint Hazard Control/Reduction Programs.

Section 3. The sum of \$400,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program to fund the Lead-Based Paint Hazard Control/Reduction Programs.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-68  
Re: NYS Affordable Housing  
Corporation Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Affordable Housing Corporation (AHC) for the receipt and use of a grant of \$300,000 for housing rehabilitation.

This brings the total amount to \$1,500,000 awarded to date by the AHC for owner-occupant housing rehabilitation. City Council most recently passed legislation authorizing the receipt of AHC funds for housing rehabilitation on January 18, 2005 through Ordinance No. 2005-03.

These funds allow the City to provide grants to income-eligible households for the rehabilitation and lead-based paint hazard reduction of owner-occupied houses. Households with incomes not exceeding 80% of the median family income (MFI) are eligible to participate. The AHC requires the following residency periods, following rehab, for participants in the program: 1) Two years if the AHC funds are less than or equal to \$5,000; 2) Five years if between \$5,000 and \$10,000; and 3) 114 months if more than \$10,000.

The proposed appropriation, along with matching funds, will provide grants of up to \$25,000 for the rehabilitation of up to 24 structures. The AHC award will be matched with \$300,000 from existing appropriations.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-68  
(Int. No. 79)

Authorizing Agreements And Appropriating Funds For Housing  
Rehabilitation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Affordable Housing Corporation for funding for housing rehabilitation.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$300,000, or so much thereof as may be necessary, to fund housing rehabilitation.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the housing rehabilitation program.

Tuesday, March 20, 2007

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-69 And  
Ordinance No. 2007-70

Re: Agreements - Sector Targeted Fund  
Initiative Sector 1 and Sector 9

Transmitted herewith for your approval is legislation related to the Sector Targeted Fund Initiative. Both Sector 1 and Sector 9 are proposing projects through this program.

The Sector Targeted Funding Initiative (STFI) Program set aside \$100,000 in the 2000-01 Cash Capital allocation for each City Sector to use for neighborhood enhancements. In order to receive the funding, each sector group is required to submit proposals for projects that will achieve highly visible physical improvements or economic development area (i.e., investment, job creation, retail or commercial services). The proposals must also be collaborative in nature, using additional funding and/or volunteer support, and contributed services from other groups, organizations or businesses. Applications must demonstrate a minimum ratio of 1:1 leveraged resources.

Sector 1 Charlotte Community Improvement Projects (\$55,000)

Legislation is requested to establish \$55,000 as maximum compensation for an agreement with the Charlotte Community Development Corporation for community development projects intended to restore and enhance the Charlotte area and its history.

Two projects have previously been completed in Sector 1 with \$45,000 in STFI funds: community baseball fields were reconstructed on Estes Street; and the Bill Davis Overlook was installed at the former Stutson Street Bridge abutment. The remaining balance of STFI funds allocated to Sector I will be used for the following projects (detailed plans and budgets for each are attached):

1. Bill Davis Overlook Planters & Benches: Street benches and planters will be installed to enhance the public streetscape at the Bill Davis Overlook in Charlotte. The allocation of STFI funds for this project, in the amount of \$5,350, will be matched as required (at a minimum of a 1:1 ratio) by a combination of cash and in-kind services totaling \$6,420.
2. Dentzel Carousel Renovation: This project will restore the hundred year-old Dentzel Carousel at Ontario Beach Park and will also add new educational signage describing its history through text and pictures. The allocation of STFI funds, \$9,362, will be matched by a combination of cash and in-kind services totaling \$11,000.
3. Ontario Beach Park Gates: This project will install gates in keeping with the historic appearance of the Ontario Beach Park to both enhance the public space aesthetics and aid in traffic control by limiting vehicular access to the park. The allocation of STFI funds, \$8,000, will be matched by a combination of cash and in-kind services totaling \$9,000.
4. Community Signs: The purchase and installation of signage to enhance public space aesthetics and promote community pride will include an additional "Welcome to Charlotte" sign and directional signs for the Estes Street ballpark. The funds for this project, \$5,259, will be matched by a combination of cash and in-kind services totaling \$14,700.
5. Charlotte Museum: This project will establish a museum dedicated to commemorating the history of the community and educating current and future area residents and visitors about the growth and development of Charlotte. The allocation of STFI funds, \$26,759, will be matched by a combination of cash and in-kind services totaling \$27,000.

Tuesday, March 20, 2007

Sector 9 El Camino Trail (\$100,000)

Legislation is requested to establish \$100,000 as maximum compensation for agreements with the Genesee Land Trust, Inc. 500 East Avenue, to perform work related to the El Camino Trail, and with the Ibero Development Corporation to act as fiduciary agent for the project, which will create a gateway to the El Camino Trail with signs, parking, plantings and other trail enhancements.

The project will enhance the attractiveness of the 14621 neighborhoods along "El Camino Trail" of Sector 9. The design phase of the trail will begin in June 2007 and construction of the Gateway is expected to begin in the Fall of 2007, with a completion goal of the Spring of 2008.

The Gateway will be developed on two City owned vacant lots at 184-186 Clifford Avenue and 92 Conkey Avenue. The vacant structure at 92 Conkey Avenue scheduled for demolition in 2007-08. The City will retain ownership of both lots.

The required leverage of resources for the El Camino Trail Gateway Project is provided through NYS Multi-Modal Funds, a grant from Eastman Kodak Company, and the Federal Transportation Funds (TEP), as follows:

<u>Source</u>	<u>Purpose</u>	<u>Amount</u>
Federal (TEP)	Overall Trail Design and Construction	\$2,000,000
Kodak	Construction of Trail at Seneca Park area	150,000
NYS Multi-modal	Construction of Trail at Avenue D area	50,000
Total		\$2,200,000

Attached is a more detailed description of the project with budget, along with a map of the Trail, and a schematic design of the Gateway Project at the corner of Clifford and Conkey Avenues.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-25

Ordinance No. 2007-69  
(Int. No. 80)

Authorizing An Agreement For Charlotte Community Improvement  
Projects As Part Of The Sector Targeted Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the Charlotte Community Development Corporation under the Sector Targeted Initiative Program for funding for community development projects intended to restore and enhance the Charlotte area and its history.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$55,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-70  
(Int. No. 81)

Tuesday, March 20, 2007

Authorizing An Agreement For The El Camino Trail Gateway  
Project As Part Of The Sector Targeted Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the Genesee Land Trust, Inc. and the Ibero Development Corporation under the Sector Targeted Initiative Program for funding for the El Camino Trail Gateway Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Resolution No. 2007-6  
Appointment/Reappointments -  
Electrical Examining Board

Transmitted herewith for your approval is legislation confirming the appointment and reappointment of the following Electrical Examining Board members:

Appointment:

William R. Stiewe, 404 Olde Harbour Trail, Rochester, NY 14612, replaces Ronald Appleton, whose term expired on December 31, 2005, as the representative member electrical engineer in the electronics distribution department of a local utility provider, Rochester Gas and Electric.

Reappointments:

<u>Member</u>	<u>Last Appointment</u>	<u>Attendance</u>
Andrew Cresciullo Rochester, NY 14624	November 2002	43 of 43 meetings
Joseph D. Armstrong Rochester, NY 14624	March 2000	57 of 73 meetings
Daniel E. Conte Hilton, NY 14468	August 2004	23 of 25 meetings
Walter Parkes Rochester, NY 14609	November 2002	34 of 43 meetings
Dennis Schaut Rochester, NY 14609	November 2002	42 of 43 meetings

The terms for each member will extend through December 31, 2008. Resumes are on file in the City Clerks office.

Respectfully submitted,  
Robert J. Duffy

Tuesday, March 20, 2007

Mayor

Resolution No. 2007-6  
(Int. No. 82)

Resolution Approving Appointments To The Electrical Examining  
Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of William R. Stiewe, 404 Olde Harbour Trail, Rochester, New York 14612, to the Electrical Examining Board for a term which shall expire on December 31, 2008. Mr. Stiewe shall replace Ronald Appleton, whose term has expired.

Section 2. The Council hereby further approves the reappointment of the following persons to the Electrical Examining Board for terms which shall expire on December 31, 2008:

Andrew Cresciullo  
14 Yolanda Drive  
Rochester, NY 14624

Joseph D. Armstrong  
30 Cheshire Lane  
Rochester, NY 14624

Daniel E. Conte  
392 Wilder Road  
Hilton, NY 14468

Walter Parkes  
141 Browncroft Boulevard  
Rochester, NY 14609

Dennis Schaut  
51 Vayo Street  
Rochester, NY 14609

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-71  
Re: Revisions to Chapter 39 of the  
Code of the City of Rochester

Transmitted herewith for your approval is legislation amending Chapter 39 of the City Code to bring requirements and terminology into conformance with the new Part 1203 of Title 19 New York Codes Rules and Regulations. Part 1203 sets forth the minimum standards for administration and enforcement of the Uniform Code.

A copy of the revisions to Chapter 39 is attached. Text to be deleted is struck out and new text is highlighted. Major revisions are as follows:

1. The title of ARTICLE I, is expanded to include the State Energy Conservation Construction Code since it is separate from the Uniform Building Code and is cited separately in Part 1203.

Tuesday, March 20, 2007

2. Definitions (39-201) have been modified to: reflect the addition of the Energy Code; include "Code Enforcement Official" to conform to the City's use of this title.
3. Responsibilities of the Commissioner (39-203 - A) is modified to insert "direct the Code Enforcement Official". Throughout Chapter 39 wherever Part 1203 specifically requires duties to be carried out by the Code Enforcement Official, the term "Commissioner" has been replaced.
4. Responsibilities of the Commissioner (39-203 - C, D) is modified to include "Certificate of Compliance", the permit close-out document to be used where the work done is required to conform to the code, but is of a nature not requiring a Certificate of Occupancy. It will typically be used for minor alterations and structures not meant for occupancy.
5. Records (39-205 - A) is totally revised to reflect requirements set forth in 1203.
6. When a building permit is required (39-207 - A) accommodates new language used in 1203; all instances struck are already covered by the language in the first paragraph citing when a permit is required.
7. When a building permit is required (39-207 - B, C). Exemptions are completely revised using language directly from Part 1203.
8. Performance of work under building permit (39-210 - I). Construction inspection requirements have been inserted per those specified in 1203.
9. Issuance of a Certificate of Occupancy (39-215) is expanded to include "or a Certificate of Compliance" and Certificate of Compliance is added wherever applicable. "A" is replaced with requirements as set forth in 1203.
10. Contents of certificate of occupancy (39-216, B-K). Added to comply with information required as specified in 1203.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-26

Ordinance No. 2007-71  
(Int. No. 83)

#### Amending Chapter 39 Of The Municipal Code, Building Code

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 39 of the Municipal Code, Building Code, as amended, is hereby further amended as follows:

- a. The title of Article I and the first sentence of Section 39-101, Applicability of State Code, are hereby amended by adding the words "and the State Energy Conservation Construction Code" after the words "New York State Uniform Fire Prevention and Building Code" where they are contained therein.
- b. § 39-201, Definitions, is hereby amended by adding thereto the following new definitions where they should appear in alphabetical order:

CODE ENFORCEMENT OFFICIAL - An authorized representative of the Commissioner of Community Development who successfully completed the training required by the State of New York for code enforcement personnel and who has obtained and maintains certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

Tuesday, March 20, 2007

ENERGY CODE – Energy Conservation Construction Code of New York State.

- c. § 39-203, Responsibilities of Commissioner, is hereby amended to read in its entirety as follows:

§ 39-203. Responsibilities of Commissioner.

Under the duties and powers provided in § 10-2 of the Charter, the Commissioner shall direct the Code Enforcement Official to:

- A. Receive applications, review plans and specifications and issue permits for the erection and alteration of buildings or structures or parts thereof for the purpose of ensuring compliance with laws, ordinances and regulations governing building, construction or alterations. The Code Enforcement Official shall review building plans and specifications for general conformity with the Building Code, with specific emphasis on the code's fire and life safety provisions. The Code Enforcement Official need not analyze the structural design of a planned building when plans and specifications are prepared by an architect or engineer per § 39-208D. The Code Enforcement Official need not analyze or determine methods used during construction.
- B. Make all inspections which are necessary or proper for the carrying out of these duties or may, in the Commissioner's discretion, accept and rely upon written reports by other persons having qualifications equivalent to those individuals who have met the requirements of 19 NYCRR Part 434 satisfactory to the Commissioner.
- C. Before issuing a certificate of occupancy/certificate of compliance and as deemed appropriate from time to time during and upon completion of the work for which a building permit has been issued, examine all buildings, structures and sites for which a permit was issued.
- D. Issue certificates of occupancy/certificates of compliance where appropriate for a building constructed or altered in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code and other applicable regulations.
- E. Interpret the provisions of the Building Code pursuant to their expressed purpose and spirit.

- d. § 39-205, Records, is hereby amended to read in its entirety as follows:

§ 39-205. Records.

- A. The Commissioner shall maintain records of the Department's activities as follows:
  - (1) All applications received, reviewed and approved or denied;
  - (2) All plans, specifications and construction documents approved;
  - (3) All Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
  - (4) All inspections and tests performed;
  - (5) All statements and reports issued;
  - (6) All complaints received;
  - (7) All investigations conducted; and
  - (8) All fees charged and collected.

Tuesday, March 20, 2007

- B. All records listed in A of this section shall be retained for at least the minimum time period so required by the Records Retention and Disposition Schedule MU-1 in Section 18.11 of 8 NYCRR (Appendix H).
  - C. The Commissioner shall notify the City Historian prior to the disposal of plans and specifications for buildings that no longer are in existence. The Records Management Coordinator will secure proper storage of those plans and specifications deemed to be significant by the City Historian.
- e. § 39-206, Construction responsibilities, is hereby amended by deleting the word “Commissioner” in each place that it appears, and by inserting in its place the words “Code Enforcement Official”.
- f. § 39-207, When a building permit is required, is hereby amended to read in its entirety as follows:
- § 39-207. When a building permit is required.
- A. Except as otherwise provided in subdivision B of this section, a Building Permit shall be required for any work which must conform to the Building Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue. No Person shall commence any work for which a Building Permit is required without first having obtained such Permit. A building permit shall also be required for the following:
    - (1) Change of occupancy classification.
    - (2) Increase in hazard classification.
    - (3) Amusement device.
    - (4) Antenna structure 16 feet or more in height above the base, satellite dishes with a diameter greater than 24 inches, or personal wireless telecommunication facilities.
    - (5) Cellar stair enclosure.
    - (6) Fence, wall, or retaining wall over two feet in height above average grade.
    - (7) Fire escape.
    - (8) Marquee and awning.
    - (9) New or replacement cladding materials, whether installed over existing cladding or if existing cladding is replaced; except that no permit is required to replace original cladding with like materials which have identical profiles.
    - (10) Paved area or addition to a paved area having an aggregate size in either case of 2,000 square feet or more, or a parking lot as defined by the Zoning Code, Chapter 120.
    - (11) Sign.
    - (12) Any exterior alterations to architectural features of a designated building of historic value as defined in the Zoning Code, Chapter 120, including but not limited to slate or tile roofing, cladding, porches, cornices, windows, etc.; except that a permit shall not be required to replace original materials or elements with like materials or elements which have identical profiles.
  - B. Exemptions. No Building Permit shall be required for work in any of the following categories:

Tuesday, March 20, 2007

- (1) Construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 100 square feet;
- (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) Construction of temporary motion picture, television and theater stage sets and scenery;
- (5) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6) Installation of partitions or movable cases less than 5'-9" in height;
- (7) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (8) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (9) Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (10) Repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

C. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision B of this section shall not be deemed an authorization for work to be performed in violation of the Building Code or the Energy Code.

g. § 39-208, Permit application, is hereby amended to read in its entirety as follows:

§ 39-208. Permit application.

- A. Form. Application for a building permit shall be made to the Commissioner in such form as the Commissioner shall prescribe.
- B. By whom. The application shall be made by the owner or by an authorized agent, architect, engineer or contractor employed in connection with the proposed work.
- C. Contents of permit application.
  - (1) The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure; the names and addresses of the owner and the applicant, contractor, architect

Tuesday, March 20, 2007

and engineer, if applicable; and the responsible employees if the owner is a corporate body.

- (2) The application shall contain the estimated cost of the proposed work.
- (3) The application may also contain such other information as may reasonably be required by the Commissioner to establish compliance of the proposed work with the requirements of applicable building codes, energy codes, ordinances and regulations.

D. Plans and specifications.

- (1) Each application for a building permit shall be accompanied by sufficient copies of site plans, construction plans and specifications describing the nature and character of the work to be performed and the materials to be incorporated, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site; and such other details required by the Commissioner. The Commissioner may waive the requirements for filing plans, specifications and site plans for minor work.
- (2) Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by § 7209 or 7307, as amended, of Article 145 or 147 of the Education Law of the State of New York, the seal of the licensed architect or the licensed professional engineer.
- (3) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Building Code.

E. Changes in the work. Changes in any work (change orders) which must conform to the applicable requirements of the code shall be filed with the Code Enforcement Official and reviewed by the Code Enforcement Official prior to the commencement of such change of work.

F. Time limit on applications. A permit application shall be deemed to be abandoned and may be destroyed three months after date of filing unless a permit shall have been issued or an extension granted by the Commissioner for reasonable cause.

- h. § 39-209, Issuance of permit or disapproval of application, is hereby amended by deleting the word "Commissioner" where it appears in Subsections A(3) and (6) thereof, and by inserting in its place the words "Code Enforcement Official".
- i. § 39-210, Performance of work under building permit, is hereby amended by deleting the word "Commissioner" where it appears in Subsection B, and by inserting in its place the words "Code Enforcement Official".
- j. § 39-210, Performance of work under building permit, is hereby further amended by adding the words "or does not comply with the requirements of the Building Code" to the end of Subsection H(3) thereof.
- k. § 39-210, Performance of work under building permit, is hereby further amended by amending Subsection I to read in its entirety as follows:

I. Construction Inspections.

- (1) Permitted work shall be required to remain accessible and exposed until inspected and accepted by the Code Enforcement Official. The permit holder shall notify the Code Enforcement Official when any element of work described in subdivision (2) of this section is ready for inspection.
- (2) The following elements of the construction process shall be inspected where applicable;

Tuesday, March 20, 2007

- (a) Work site prior to the issuance of a building permit;
  - (b) Footings and foundations;
  - (c) Preparation for concrete slab;
  - (d) Framing;
  - (e) Building systems, including underground and rough-in;
  - (f) Fire resistant construction;
  - (g) Fire resistant penetrations;
  - (h) Solid fuel burning heating appliances, chimneys, flues or gas vents;
  - (i) Energy Code compliance; and
  - (j) A final inspection after all work authorized by the building permit has been completed.
- (3) After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Building Code or Energy Code. Work not in compliance with any applicable provision of the Building Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Codes, reinspected, and found satisfactory as completed.
- (4) For inspections on Saturdays, Sundays, holidays or other than regular working hours, the rate shall be \$50 per hour. A minimum of four hours will be charged if the inspector was called in and/or has no other inspections during the four hours.
- l. § 39-213, When a certificate of occupancy is required, is hereby amended by adding the words “or certificate of compliance” after the words “certificate of occupancy” where they appear in the title and the introductory phrase to Subsection A thereof.
- m. § 39-214, Certificate of occupancy application, is hereby amended to read in its entirety as follows:
- § 39-214. Certificate of occupancy/certificate of compliance.
- A. Applicants shall apply for the required certificate of occupancy concurrently with their application for a building permit. The certificate of occupancy application shall be held on file until the Commissioner receives notice from the Code Enforcement Official that the construction is completed.
- B. The Commissioner may require the applicant, at his or her own expense, to submit the following information prepared in accordance with the provisions of the Code of the City of Rochester and/or the Building Code by such person or persons as may be designated or otherwise acceptable to the Commissioner and/or the Code Enforcement Official prior to issuing a certificate of occupancy or a certificate of compliance:
- (1) A statement of the actual construction cost of the work.
  - (2) A survey by a licensed surveyor or licensed professional engineer indicating all lot lines and the as-built location of the structure.
  - (3) A written statement of structural observations and/or a final report of special inspections.
  - (4) Flood hazard certifications.

- n. § 39-215, Issuance of a certificate of occupancy, is hereby amended to read in its entirety as follows:

§ 39-215. Issuance of a certificate of occupancy or certificate of compliance.

- A. A certificate of occupancy or certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another whether or not work requiring a permit occurs. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or certificate of compliance.
- B. A certificate of occupancy or certificate of compliance may be issued for an entire building or a specific portion of a building.
- C. Within 10 days after an inspection, the Commissioner shall either issue a certificate of occupancy or certificate of compliance or notify the applicant in writing of the existing violations.
- D. An application for a certificate of occupancy shall be endorsed by the Director of Zoning.
- E. As regulated by the New York State Uniform Fire Prevention and Building Code and the Rochester Fire Prevention Code, signs specifying maximum occupancy must be posted prior to the issuance of a certificate of occupancy.

- o. § 39-216, Contents of certificate of occupancy, is hereby amended to read in its entirety as follows:

§ 39-216. Contents of certificate of occupancy/certificate of compliance.

A certificate of occupancy or certificate of compliance shall contain the following information:

- A. A statement that the premises substantially comply with the Building Code, the Zoning Code, Chapter 120, the Fire Prevention Code (if a new or substantially altered building) and the Multiple Residence Law (if applicable);
- B. The building permit number, if any;
- C. The date of issuance of the building permit, if any;
- D. The name, address and tax number of the property;
- E. A description of that portion of the structure for which the certificate is issued if the certificate is not for the entire structure;
- F. The use and occupancy classification of the structure;
- G. The type of construction of the structure;
- H. The assembly occupant load of the structure, if any;
- I. If an automatic sprinkler system is provided;
- J. Any special conditions imposed in connection with the issuance of the building permit;
- K. The signature of the Code Enforcement Official issuing the certificate; and

Tuesday, March 20, 2007

- L. The certificate of occupancy shall specify the date of issuance and the date of expiration, if the premises are subject to Chapter 90, the Property Conservation Code, of the City Code.
- p. § 39-217, Conditional certificate of occupancy, is hereby amended by adding the words “, specifically ensuring the completion of all fire and smoke detecting or fire protection equipment and all required means of egress” to the end of Subsection B(4) thereof.
- q. § 39-219, Renewal or revocation of certificate of occupancy, is hereby amended by adding the words “or certificate of compliance” after the words “certificate of occupancy” where they appear in the title and Subsection B thereof.
- r. § 39-220, General provisions regarding fees, is hereby amended by deleting the fee “\$25” where it is contained therein and by inserting in its place the fee “\$50”.
- s. § 39-221. Fees for permits, is hereby amended by deleting the fee “\$25” where it is contained in Subsection G thereof and by inserting in its place the fee “\$50”.
- t. § 39-223, Fees for other Department actions, is hereby amended by deleting the fee “\$25” where it is contained in Subsection A thereof and by inserting in its place the fee “\$50”.
- u. § 39-310. Marquees and awnings, is hereby amended by repealing Subsections B and C thereof, and by retaining the current Subsection A as the new undesignated body thereof.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

#### TO THE COUNCIL

Ladies and Gentlemen:

Re: Resolution No. 2007-7  
Reappointments - Board of Examiners  
of Stationary Engineers and  
Refrigeration Operators

Transmitted herewith for your approval is legislation confirming the reappointment of the following Board of Examiners of Stationary Engineers and Refrigeration Operators members:

<u>Member</u>	<u>Last Appointment</u>	<u>Attendance</u>
William H. Carey Rush, NY 14543	June 2004	24 of 31 meetings
Bernard Metzger Webster, NY 14580	June 2004	28 of 31 meetings
Perry Moyd Rochester, NY 14624	June 2004	28 of 31 meetings
Frederick Jentons Rochester, NY 14620	June 2004	26 of 31 meetings

The terms of Mr. Carey and Mr. Metzger will extend through December 31, 2008 and the terms of Mr. Moyd and Mr. Jentons will extend through December 31, 2009

Resumes are on file in the City Clerks office.

Respectfully submitted,

Tuesday, March 20, 2007

Robert J. Duffy  
Mayor

Resolution No. 2007-7  
(Int. No. 84)

Resolution Approving Reappointments To The Board Of Stationary  
Engineers And Refrigeration Operators

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of the following persons to the Board of Stationary Engineers and Refrigeration Operators for terms which shall expire as follows:

William H. Carey  
1220 Middle Road  
Rush, New York 14543  
Term expires December 31, 2008

Bernard Metzger  
343 Reef Point Circle  
Webster, New York 14580  
Term expires December 31, 2008

Frederick Jentons  
1270 Crittenden Road  
Rochester, New York 14620  
Term expires December 31, 2009

Perry Moyd  
876 Marshall Road  
Rochester, New York 14624  
Term expires December 31, 2009

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2007-72  
Agreement and Amendment -  
Emergency Shelter Grant  
Program

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan/Annual Action Plan - Emergency Shelter Grant Program. This legislation will:

1. Amend the Consolidated Community Development Plans/Annual Action Plans - Emergency Shelter Grant Program by transferring amounts to the 2006-07 plans as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1997-98	\$ 3,101.55	1998-99	\$7,058.59
1999-2000	7,765.72	2000-01	2,656.83
2001-02	46,066.89	2002-03	3,035.44
2005-06	5,975.29		

Tuesday, March 20, 2007

2. Appropriate the following amounts from the above transferred for the following 2006-07 projects:

<u>Project</u>	<u>Amount</u>
Mercy Residential/Melita House	\$ 3,400.00
Hillside Children's Center	3,101.55
YWCA	3,658.59
Wilson Commencement Park	7,765.72
Veteran's Outreach Center	2,656.83
RAIHN (Rochester Area Interfaith Hospitality Network)	9,000.00
Alternatives for Battered Women	11,250.00
Salvation Army	15,000.00
Sojourner House	10,816.89
Volunteers of America/Homelessness Prevention Center	3,035.44
Community Place	<u>480.92</u>
Total	\$70,165.94

A review of the Emergency Shelter Grant Program identified unexpended balances of \$70,165.94 in prior years. The proposed amendments and appropriations will result in a maximum of two Emergency Shelter Grants open at any one time. This will improve financial and programmatic monitoring of the program.

The unexpended funds from prior years will be used for 2006-07 contracts previously authorized by Council on May 16, 2006 in Ordinance No. 2006-92 with the exception of a new appropriation for Mercy Residential Services/Melita House. The resulting unspent 2006-07 funds will be allocated with 2007-08 funds in a future submission to Council.

Mercy Residential Services/Melita House, a provider of housing and support services to pregnant and parenting teens and their babies, was allocated \$13,000 of City Emergency Shelter Grant funds for the period July 1, 2006-June 30, 2007. Recently they have had a security emergency and have incurred expenses for additional security. They are requesting \$3,400 of the \$6,400 cost to install a security surveillance camera system. After the proposed amendment, the contract will total \$16,400.

A public hearing on the amendment is required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-27

Ordinance No. 2007-72  
(Int. No. 85)

Amending The 1997, 1998, 1999, 2000, 2001, 2002 And 2005-06  
Emergency Shelter Grant Programs And Corresponding Ordinances  
And Consolidated Community Development Plans By Transferring  
Unexpended Funds To Fund The 2006-07 Emergency Shelter Grant  
Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the following Ordinances for the Emergency Shelter Grant Programs and to the corresponding Community Development Program Plans whereby unexpended funds, as determined by the Director of Finance and the Principal Staff Assistant/Assistant to the Commissioner of Community Development, previously authorized and appropriated to fund the following Emergency Shelter Grant Programs, are hereby reduced:

<u>Year</u>	<u>Ordinance No.</u>	<u>Amount</u>
1997	1997-166	\$ 3,101.55

Tuesday, March 20, 2007

1998	1998-179	7,058.59
1999	1999-151	7,765.72
2000	2000-169	2,656.83
2001	2001-155	46,066.89
2002	2002-180	3,035.44
2005-06	2005-111	5,975.29

Section 2. The amounts reduced in Section 1 are hereby reappropriated to fund the agreement authorized in Section 3, any necessary prior yearly deficits, and agreements in the 2006-07 Emergency Shelter Grant Program with unexpended funds, as determined by the Director of Finance and the Principal Staff Assistant/Assistant to the Commissioner of Community Development, and the corresponding amounts funding current agreements from the 2006-07 Emergency Shelter Grant Program funds, as authorized and appropriated in Ordinance No. 2006-92, shall be reduced.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Mercy Residential/Melita House for security improvements under the 2006-07 Emergency Shelter Grant Program.

Section 4. The amendatory agreement shall obligate the City to pay an amount not to exceed \$3,400, and said amount, or so much thereof as may be necessary, is reappropriated in Section 2 from the amounts reduced in Section 1.

Section 5. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. The Director of Finance and the Principal Staff Assistant/Assistant to the Commissioner of Community Development shall record all transfers made herein and shall have the authority to make adjustments to the amounts set forth above which may have changed prior to the date of this ordinance.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife is an employee of one of the affiliated agencies.

---

By Councilmember Stevenson  
March 20, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 86 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Water System Security Study

Int. No. 87 - Authorizing Extension Of A Professional Services Agreement For A Water Hydraulic Model

Int. No. 88 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Agreement Services

Tuesday, March 20, 2007

Int. No. 89 - Authorizing Agreements For The Brownfield Assistance Program

Int. No. 90 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance of \$1,160,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of the Norton Street (Portland Avenue To East City Line) Improvement Project

Int. No. 91 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$706,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Norton Street (Portland Avenue To East City Line) Improvement Project

Int. No. 92 - Establishing Maximum Compensation For A Professional Services Agreement And Appropriating Funds For The Norton Street (Portland Avenue To East City Line) Improvement Project

Int. No. 110 - Establishing Maximum Compensation For A Professional Services Agreement For The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

Int. No. 111 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,606,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

Int. No. 112 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$321,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

Int. No. 113 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

The Parks, Public Works & The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 93 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 94 - Local Improvement Ordinance - Security At The Public Market

Int. No. 114 - Local Improvement Ordinance – Care And Embellishment Of Various Neighborhood Street Malls For 2007-08

Respectfully submitted,

Robert J. Stevenson

John F. Lightfoot

William F. Pritchard

Lois J. Giess

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-73

Re: Amendatory Agreement - Water  
System Security Enhancements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Business Protection Specialists (BPS), Canandaigua, New York, to extend the scope of service related to their evaluation of water system vulnerabilities. The amendment will increase the maximum compensation by \$35,000 for a total of \$85,000, and will be funded from the 2006-07 Cash Capital allowance of the Department of Environmental Services. The term of the contract will remain unchanged.

Tuesday, March 20, 2007

In September 2005, City Council authorized an agreement with BPS for an evaluation of water system vulnerabilities, and for design and specification of equipment and systems to be used to address these vulnerabilities. The entirety of that work, now largely complete, was focused on material improvements to facilities managed by the Water Bureau's Production and Treatment Division.

This requested amendment will extend the scope of work to include refinement and alignment of security systems at Bureau facilities not previously integrated into a security program, including the new headquarters facility at Felix Street. Another important focus of the work will be the development of a comprehensive written security plan, and assistance in the associated employee training and program implementation.

BPS is the only area consulting firm that is uniquely dedicated to providing business-related security services, and in particular, these services as they relate to the water and wastewater industry. Their performance to date has been excellent.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-73  
(Int. No. 86)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For A Water System Security  
Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Business Protection Specialists for assessment of security needs and specification of security equipment related to the City's public water system. The agreement may extend for two years. Said amount shall be funded from the 2006-07 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-74  
Re: Amendatory Agreement - Water  
Bureau Hydraulic Modeling

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Malcolm Pirnie, Inc., 300 State Street, for continued provision of engineering services required to complete the calibration of a water main hydraulic model and provide training to Water Bureau staff. This legislation will extend the term of the original agreement for an additional eighteen months in order to complete the remaining work authorized by this agreement. No additional funding is requested.

The original agreement was authorized by City Council in October 2005. Under this agreement, Malcolm Pirnie has been assisting Bureau staff in developing a GIS-based hydraulic model of the water system. The base model has been created and is being used to assist the Bureau in complying with recently adopted EPA water quality regulations. The model is also being used as part of the on-going reservoir study.

Further calibration of the model is required to refine its accuracy. Field tests required to calibrate the model must be performed by Bureau personnel. Due to staff workloads and winter weather conditions, additional time is needed to complete the calibration process. During the calibration process, Malcolm Pirnie will continue to provide technical support to Bureau staff. Once the calibration is complete, the firm

Tuesday, March 20, 2007

will train Bureau staff in the use and maintenance of the model, in accordance with the terms of the original agreement.

Consulting services are expected to be completed by the summer of 2008.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-74  
(Int. No. 87)

Authorizing Extension Of A Professional Services Agreement For A  
Water Hydraulic Model

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into the extension for a term not to exceed eighteen months of the professional services agreement between the City and Malcolm Pirnie for engineering consulting and support services for the creation of a water hydraulic model based on the Water and Lighting Bureau's GIS data.

Section 2. The agreement extension shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-75  
Re: Amendatory Agreement - Paul  
Bringewatt - Water Sharing

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Paul Bringewatt to provide additional services related to negotiating the water sharing agreement between the City and the Monroe County Water Authority (MCWA). The original agreement for \$9,900 was executed in October 2006; this amendment will increase maximum compensation for the agreement by \$10,100 to a total of \$20,000, and will be funded from the 2006-07 Budget of the Department of Environmental Services. The term of the agreement will be extended to June 1, 2008.

Mr. Bringewatt will provide the following services:

1. Review various alternatives for the renewal of the water exchange contract between the MCWA and the City;
2. Advise the City regarding negotiations between the City and the MCWA; and
3. Participate directly in the negotiations and make recommendations to the City regarding negotiations strategy.

The current water exchange agreement with the Monroe County Water Authority expires on April 27, 2008.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-75

Tuesday, March 20, 2007

(Int. No. 88)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Water Agreement Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Paul Bringewatt for assistance in negotiating the agreement with the Monroe County Water Authority for water sharing. The agreement may extend until June 1, 2008. Said amount shall be funded from the 2006-07 Budget of the Department of Environmental Services (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-76  
Re: Agreements - Brownfield  
Assistance Program

Transmitted herewith for your approval is legislation authorizing professional services agreements for brownfield consulting services with the following companies:

<u>Company</u>	<u>Address</u>
Day Environmental, Inc.	40 Commercial Street, Rochester, 14604
LaBella Associates, PC	300 State Street, Rochester, 14614
Passero	100 Liberty Pole Way, Rochester, 14604
Tritech	1100 University Avenue, Rochester, 14607
O'Brien & Gere Engineers, Inc.	400 Andrews Street, Rochester, 14604
Clough, Harbour & Associates LLP	16 West Main Street, Rochester, 14614
Bergmann Associates	28 East Main Street, Rochester, 14614
Stantec Consulting Services, Inc.	2250 Brighton-Henrietta Town Line Road 14623
Leader Professional Services, Inc.	271 Marsh Road, Pittsford, 14534
Lu Engineers	2230 Penfield Road, Penfield, 14526

The selected companies will provide environmental assessments, investigations, and analyses under the City's Brownfield Assistance Program.

The cost of this agreement will be financed from a 2006 brownfield assessment grant from the United States Environmental Protection Agency Brownfield Redevelopment Initiative. A portion of the grant budget provides the City with \$180,000 for the Brownfield Assistance Program.

The City's Brownfield Assistance Program is to stimulate environmental investigation and testing of brownfield properties by private developers and business owners. Under the BAP, the City accepts applications from interested parties for environmental investigations of proposed redevelopment sites. Upon approval, the applicant selects one or more of the BAP consultants to develop a proposal for assessment, investigation, or work planning services. The Department of Environmental Services manages the site investigation process.

The applicant pays the City a fee equal to one third of the cost of the investigation. BAP service agreements are executed that require the applicant to notify the City if it has terminated the proposed redevelopment project based on the environmental conditions found. If the City receives such a notice, the BAP fee will be waived. All investigation reporting remains the property of the City for use during future economic development planning. Program income from the fees paid to the City will be used for additional BAP projects.

Tuesday, March 20, 2007

Industrial, commercial and residential redevelopment sites are eligible if the interested applicant has a demonstrable project which meets the City's economic development or housing goals. Priority is given to projects located in areas of the City where significant public investment has taken place and in areas that the City has targeted for revitalization studies and loan activities.

Phase I site assessment services which may be provided include:

1. Review of title and deed history records;
2. Examination of other public records, including aerial photographs, that may contain relevant environmental information;
3. Inspection of the property and observation of adjacent properties; and
4. Preparation of a report with recommendations based on the findings.

If requested by the applicant, additional Phase II level testing services will be provided that may include the following:

1. Subsurface soil and groundwater testing;
2. Collection and analysis of wastes, soil, and groundwater samples;
3. Identification of remedial options; and
4. Preparation of a report documenting findings and recommendations.

The BAP has helped make successful redevelopment projects possible. Projects that were supported by the BAP included the Klein Steel and XLI Corporation redevelopments on the former Emerson Street Landfill, as well as the 1025 Chili Avenue redevelopment. This agreement will have an initial term of three years with provisions for two one year renewals. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval.

Respectfully submitted,  
Robert J. Duffy,  
Mayor

Ordinance No. 2007-76  
(Int. No. 89)

#### Authorizing Agreements For The Brownfield Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for environmental site assessments, investigations and analyses as a part of the Brownfield Assistance Program:

<u>Company</u>	<u>Address</u>
Day Environmental, Inc.	40 Commercial Street
LaBella Associates, PC	300 State Street
Passero Associates	100 Liberty Pole Way
Tritech Environmental Health And Safety, Inc.	1100 University Avenue
O'Brien & Gere Engineers, Inc.	400 Andrews Street
Clough, Harbour & Associates LLP	16 West Main Street
Bergmann Associates	28 East Main Street
Stantec Consulting Services, Inc.	2250 Brighton-Henrietta Town Line Road
Leader Professional Services, Inc.	271 Marsh Road
Lu Engineers	2230 Penfield Road

Tuesday, March 20, 2007

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$180,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2006 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-77, Ordinance No. 2007-78  
And Ordinance No. 2007-79

Re: Norton Street Improvement Project  
(Portland Avenue-East City Line)

Transmitted herewith for your approval is legislation related to the Norton Street (Portland Avenue to East City Line) Public Improvement Project. This legislation will:

1. Authorize the issuance of bonds in the amount of \$1,160,000 and appropriation of the proceeds thereof to finance a portion of the costs of the street improvements;
2. Authorize the issuance of bonds in the amount of \$706,000 and appropriation of the proceeds thereof to finance the cost of the water improvements;
3. Appropriate \$3,108,000 in anticipated reimbursements from Monroe County to finance a portion of the costs of the street improvements; and
4. Establish \$520,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc. for resident project representation services.

Stantec performed the planning and preliminary engineering and design for the project, as authorized by Council in 2004, and is recommended due to their familiarity with the project.

Included in this project are: reconstruction of pavement; replacement of curbs, sidewalks, driveway aprons and street lights; new water mains on side streets; new hydrants; new pavement markings, signal equipment upgrades; topsoil and tree plantings; and drainage improvements to connecting residential streets between Norton Street and the northern boundary of the City.

Bids for construction were received on February 20, 2007. The work will be performed by Sealand Contractors Corp. at a cost of \$4,318,848.35, which is 6% less than the engineer's estimate. An additional \$548,151.65 (13%) will be allocated for contingencies (i.e., street lighting costs and other items not included in the contract). This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by Council in 2003.

The cost of the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
Street				
County	\$2,896,924.90	\$211,075.10	\$ 0.00	\$3,108,000.00
City - Debt	843,186.74	201,113.26	115,700.00	1,160,000.00
City - Cash	0.00	38,703.64	374,296.36	413,000.00
Water - Debt	<u>578,736.71</u>	<u>69,108.00</u>	<u>58,155.29</u>	<u>706,000.00</u>
Total	\$4,318,848.35	\$520,000.00	\$548,151.65	\$5,387,000.00

Tuesday, March 20, 2007

The cost of the street improvements will be financed from proceeds of the proposed street bond, from the 2004-05 Cash Capital allocation, and from anticipated reimbursements from Monroe County. The cost of the water improvements will be financed from proceeds of the proposed water bond.

Stantec Consulting Group, Inc. is being recommended for resident project representation for the project because of its qualifications and familiarity with the project.

Construction is expected to begin this spring, and be completed in the fall of 2008.

Public informational meetings were conducted on February 9, 2006, and on January 18, 2007. The minutes of the February meeting are on file in the City Clerk's office and the minutes of the January 18, 2007, meeting are attached.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-28

Ordinance No. 2007-77  
(Int. No. 90)

Bond Ordinance Of The City Of Rochester, New York, Authorizing  
The Issuance Of \$1,160,000 Bonds Of Said City To Finance The  
Cost Of Construction And Reconstruction Of Certain Streets As A  
Part Of The Norton Street (Portland Avenue To East City Line)  
Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Norton Street (Portland Avenue to East City Line) Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,681,000. The plan of financing includes the issuance of \$1,160,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$413,000 in current funds and \$3,108,000 in anticipated reimbursements from the County of Monroe appropriated at this meeting, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,160,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby

Tuesday, March 20, 2007

irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-78  
(Int. No. 91)

Bond Ordinance Of The City Of Rochester, New York, Authorizing  
The Issuance Of \$706,000 Bonds Of Said City To Finance The  
Reconstruction Of Various Water Mains In The City Related To The  
Norton Street (Portland Avenue To East City Line) Improvement  
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Norton Street (Portland Avenue to East City Line) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$706,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$706,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$706,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Tuesday, March 20, 2007

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$706,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-79  
(Int. No. 92)

Establishing Maximum Compensation For A Professional Services  
Agreement And Appropriating Funds For The Norton Street  
(Portland Avenue To East City Line) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$520,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Group, Inc. for resident project representation services related to the Norton Street (Portland Avenue to

Tuesday, March 20, 2007

East City Line) Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$38,703.64 shall be funded from the 2004-05 Cash Capital Allocation, \$201,113.26 shall be funded from a bond adopted for street purposes, \$69,108 shall be funded from a bond adopted for water purposes, and \$211,075.10 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the County of Monroe the sum of \$3,108,000, or so much thereof as may be necessary, to fund construction of the Norton Street (Portland Avenue to East City Line) Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-80, Ordinance No. 2007-81,  
Ordinance No. 2007-82 And Ordinance No. 2007-83  
Re: Gregory Street Public Improvement  
Project (Mt. Hope Avenue to South  
Clinton Avenue)

Transmitted herewith for your approval is legislation which will:

1. Establish \$200,000 as maximum compensation for an agreement with Fisher Associates, for Resident Project Representation (RPR) services related to the project. The cost of the agreement will be financed from the proceeds of the bonds requested herein.
2. Authorize the issuance of bonds totaling \$1,606,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
3. Authorize the issuance of bonds totaling \$321,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements; and
4. Authorize the issuance of bonds totaling \$75,000 and the appropriation of the proceeds thereof to finance the cost of the sewer improvements.

The Gregory Street Public Improvement Project was designed in house by the Department of Environmental Services, Bureau of Architecture & Engineering. The project features include reconstruction or rehabilitation of the pavement; installation of granite curbs, concrete sidewalks, and driveway aprons; a partial water main replacement and hydrant and water service upgrades; drainage, street lighting and landscaping improvements.

On October 17, 2006, City Council authorized acquisition of a de minimus parcel, an Official Map Amendment and various changes in the pavement widths to accommodate design of the project.

Bids for construction of the project were received on March 7, 2007. The work will be performed by Gordon J. Phillips, Inc. at a cost of \$ 1,621,464.75, which is 2.69% less than the engineer's estimate. An additional \$191,147 will be allocated for contingencies which include street lighting and tree planting costs which will be funded from the proposed bonds.

Funding for construction of the project is as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
Street Bond	\$1,288,940.00	\$160,175.00	\$156,885.00	\$1,606,000.00
Water Bond	261,593.00	32,265.00	27,142.00	321,000.00
Sewer Bond	61,285.00	7,560.00	6,155.00	75,000.00
County Traffic	<u>9,646.75</u>	<u>0.00</u>	<u>965.00</u>	<u>10,611.75</u>
Total	\$1,621,464.75	\$200,000.00	\$191,147.00	\$2,012,611.75

Tuesday, March 20, 2007

The cost of the street, water, and sewer improvements will be financed from proceeds of the proposed bonds. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

Fisher Associates was selected to perform resident project representation services subsequent to solicitation of qualifications from 24 local consulting firms. Of the ten firms that responded, the following three firms were asked to submit proposals for resident project representation services: Bergmann Associates, Fisher Associates and FRA Engineers. Fisher Associates was selected based on the rating of the firm's qualifications and availability of staff. The cost of the services will be financed from the Street Bond (\$160,175), Water Bond (\$32,265) and Sewer Bond (\$7,560) appropriated herein.

The project was presented at a public informational meeting on July 27 and September 20, 2006, the minutes of which are on file in the City Clerk's Office. Construction of the project is anticipated to begin this spring, and be completed this year.

Respectfully submitted,  
Robert J. Duffy,  
Mayor

Attachment No. AG-29

Ordinance No. 2007-80  
(Int. No. 110)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Gregory Street (Mt. Hope Avenue To South  
Clinton Avenue) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Fisher Associates for resident project representation services for the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$160,175 shall be funded from a bond adopted for street purposes, \$32,265 shall be funded from a bond adopted for water purposes, and \$7,560 shall be funded from a bond adopted for sewer purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-81  
(Int. No. 111)

Bond Ordinance Of The City Of Rochester, New York, Authorizing  
The Issuance Of \$1,606,000 Bonds Of Said City To Finance The  
Cost Of Construction And Reconstruction Of Certain Streets As A  
Part Of The Gregory Street (Mt. Hope Avenue To South Clinton  
Avenue) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,606,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,606,000 bonds of the City to

Tuesday, March 20, 2007

finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,606,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-82  
(Int. No. 112)

Tuesday, March 20, 2007

Bond Ordinance Of The City Of Rochester, New York, Authorizing  
The Issuance Of \$321,000 Bonds Of Said City To Finance The  
Reconstruction Of Various Water Mains In The City Related To The  
Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public  
Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$321,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$321,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$321,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$321,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

Tuesday, March 20, 2007

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-83  
(Int. No. 113)

Bond Ordinance Of The City of Rochester, New York, Authorizing  
The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost  
Of Construction And Reconstruction Of Certain Sewer  
Improvements Related To The Gregory Street (Mt. Hope Avenue To  
South Clinton Avenue) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$75,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$75,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt

Tuesday, March 20, 2007

service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1566  
And Local Improvement Ordinance No. 1567

Re: Public Market Snow Removal  
and Security Services

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market. The snow removal and security districts were established in 1990 and 1991, respectively, and include 15 properties adjacent to the Public Market.

The Department of Recreation and Youth Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee, and a fee per foot of frontage.

#### Snow Removal

In 2007-08 for snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$2.11 per foot. The total amount of assessment will be \$4,576.02, which is \$72.89 more than the 2006-2007 amount.

	<u>2006-07</u>	<u>2007-08</u>		<u>2006-07</u>	<u>2007-08</u>
Fixed Fee	\$ 100	\$ 100	Footage Fee	\$ 2.06	\$ 2.11
Properties	<u>15</u>	<u>15</u>	Footage	<u>1,457.83</u>	<u>1,457.83</u>
Total	\$ 1,500	\$ 1,500	Total	\$ 3,003.13	\$ 3,076.02
Total Assessment				\$ 4,503.13	\$ 4,576.02

#### Security Services

Tuesday, March 20, 2007

For security services in 2007-08, the fixed fee will be \$1,190 per property, and the front footage fee will be \$8.93 per foot. The total amount of the assessment will be \$30,868.42, which is the same as the 2006-07 amount.

	<u>2006-07</u>	<u>2007-08</u>		<u>2006-07</u>	<u>2007-08</u>
Fixed Fee	\$ 1,190	\$ 1,190	Footage Fee	\$ 8.93	\$ 8.93
Properties	<u>15</u>	<u>15</u>	Footage	<u>1,457.83</u>	<u>1,457.83</u>
Total	\$17,850	\$17,850	Total	\$13,018.42	\$13,018.42
Total Assessment				\$30,868.42	\$30,868.42

Public hearings are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-30

Local Improvement Ordinance No. 1566  
(Int. No. 93)

Local Improvement Ordinance - Snow Removal At The Public  
Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2007 to June 30, 2008.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2007-08 year shall be \$4,576.02. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and eleven cents (\$2.11) per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u>	<u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St.	106.660-0001-014	558.27
171 Railroad St.	106.670-0001-078	190.25
60 Public Market	106.590-0003-008	40
64-66 Public Market	106.590-0003-009	40
68-70 Public Market	106.590-0003-010	40
50-52 Public Market	106.590-0003-006	40
55-57 Public Market	106.590-0003-007	40
59 Pennsylvania Ave.	106.590-0003-005.1	81.50
35 Pennsylvania Avenue	106.590.0003-002.1	120
16-18 Public Market	106.590-0003-001	40
25 Pennsylvania Avenue	106.580-0003-026	40
17-23 Pennsylvania Avenue	106.580-0003-027	40
15 Pennsylvania Avenue	106.580-0003-028	40
11 Pennsylvania Avenue	106.580-0003-029	19.57
9 Pennsylvania Avenue	106.580-0003-030	128.24

Tuesday, March 20, 2007

Section 3. The snow plowing and salting services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2007 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

Local Improvement Ordinance No. 1567  
(Int. No. 94)

Local Improvement Ordinance - Security At The Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special security services for the Public Market during the fiscal year from July 1, 2007 to June 30, 2008.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2007-08 year shall be \$30,868.42. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$1,190.) per parcel plus eight dollars and ninety-three cents (\$8.93) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u>	<u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St.	106.660-0001-014	558.27
171 Railroad St.	106.670-0001-078	190.25
60 Public Market	106.590-0003-008	40
64-66 Public Market	106.590-0003-009	40
68-70 Public Market	106.590-0003-010	40
50-52 Public Market	106.590-0003-006	40
55-57 Public Market	106.590-0003-007	40
59 Pennsylvania Ave.	106.590-0003-005.1	81.50
35 Pennsylvania Avenue	106.590.0003-002.1	120
16-18 Public Market	106.590-0003-001	40
25 Pennsylvania Avenue	106.580-0003-026	40
17-23 Pennsylvania Avenue	106.580-0003-027	40
15 Pennsylvania Avenue	106.580-0003-028	40
11 Pennsylvania Avenue	106.580-0003-029	19.57
9 Pennsylvania Avenue	106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2007 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2007.

Tuesday, March 20, 2007

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1568  
Re: Care and Embellishment of Malls

Transmitted herewith for your approval is legislation authorizing appropriations and assessments for the care and embellishment of street malls during 2007. The total to be apportioned among benefitted properties is \$76,788.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Recreation and Youth Services or street or neighborhood associations. Standards of maintenance are established by the department and the appropriate street associations are asked whether they wish to assume responsibility for this maintenance.

If an association accepts responsibility, it may augment or enhance the level of care, subject to the willingness of the property owners on the affected street to pay the additional costs. All maintenance, however, is monitored by the department.

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Until these payments are received, the department advances the necessary funds to the street associations.

In 2006, twelve malls were maintained by the department for \$32,200, and twelve malls were maintained by street or neighborhood associations for \$44,325. In 2007, the department will be responsible for the maintenance of twelve malls at a total cost of \$33,062. Street associations will be responsible for the maintenance of twelve malls at a total cost of \$43,726. Attached is list of malls and their associated costs.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-31

Local Improvement Ordinance No. 1568  
(Int. No. 114)

Local Improvement Ordinance - Care And Embellishment Of  
Various Neighborhood Street Malls For 2007-08

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. It is hereby determined that the following improvements and work are necessary, required and shall be made:

- a. The care and embellishment of the following streets hereinafter referred to as "Group I" during 2007-08:

Boulevard Parkway	\$ 1,931.00
Burke Terrace	425.00
Carthage Drive	533.00
Central Park	4,835.00
Elmwood Mall	3,007.00
Glendale Park	1,609.00
Knickerbocker Street	1,609.00
Nye Park	1,717.00
Raines Park	1,072.00
Seneca Parkway	11,601.00
Summer Park	2,792.00

Tuesday, March 20, 2007

Werner Park

1,931.00

- b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2007-08:

Arnold Park	\$ 1,157.00
Hazelwood Terrace	1,278.00
Highland Parkway	2,050.00
Hillside Avenue	2,200.00
Huntington Park	3,462.00
Lafayette Park	4,652.00
Lakeview Park	4,360.00
Nunda Boulevard	7,413.00
Oxford Street	9,859.00
Portsmouth Terrace	2,944.00
Rundel Park	1,400.00
Sibley Place	<u>2,951.00</u>
Total	\$76,788.00

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2007.

Section 4. The total cost of such improvements and work, estimated at \$76,788.00, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said sum, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. The work described for Group I shall be performed by or at the direction of the Department of Recreation and Youth Services.

Section 6. It is hereby determined that it is impracticable to have the work described herein for Group II done by competitive contract. Therefore, contracts for the work described herein for Group II may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

---

By Councilmember Douglas  
March 20, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 95 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 96 - Cancellation Of Taxes And Charges

Tuesday, March 20, 2007

Int. No. 97 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 98 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 99 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 100 - Authorizing Competitive Grant Applications, As Amended

Int. No. 101 - Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Services

Int. No. 102 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 58 - Local Law Amending The City Charter With Respect To Financial Disclosure Statements, As Amended

Respectfully submitted,  
Benjamin L. Douglas (*Abstained on Int. No. 102*)  
Carolee A. Conklin  
Dana K. Miller  
Lois J. Giess  
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-84  
Re: Authorization - Tax Cancellations  
and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous ad valorem taxes, charges and fees during 2007.

Each year, approximately 63,000 tax bills are issued by the City. In 2006-07, these bills contained City and School taxes, charges and fees totaling \$194,085,988. Of this amount, taxes and charges totaling \$1,751,869 or .95%, of the total levy, were subsequently determined to be erroneous and were canceled. These cancellations involved 333 accounts or 0.53 of the total number.

Pursuant to Section 556 of the NYS Real Property Tax Law, City Council is required to approve all cancellations, but Chapter 383 of the Laws of 1984, provides that Council may delegate to the Director of Finance the authority to approve such cancellations. Delegation has been approved annually, as required, since 1987.

The authorization to cancel charges up to the amount of \$1,000 was most recently approved in January 2006. During calendar year 2006 the Director of Finance authorized cancellations totaling \$79,005.74 for 241 accounts.

Reapproval of this delegation of authority is requested for 2007. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and

Tuesday, March 20, 2007

2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-84  
(Int. No. 95)

Authorizing The Director Of Finance To Cancel Real Property Taxes  
Or Charges Of \$1,000 Or Less

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less;
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month; and
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2007.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-85  
Re: Cancellation or Refund of Erroneous  
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$18,250.

Two properties had code violations in the amount of \$ 18,250. The violations were issued in error.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$432,177.52.

	<u>Accounts</u>	<u>Amounts</u>
City Council	84	\$364,418.69
Administrative	<u>181</u>	<u>67,758.83</u>
Total	265	\$432,177.52

These cancellations represent .188% of the taxes receivable as of July 1, 2006.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-32

Tuesday, March 20, 2007

Ordinance No. 2007-85  
(Int. No. 96)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

(a) The code violations on these properties were issued in error.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
106.250-0001-055.001	H	220-222 Bernard St.	2006 2007	\$ 1,800.00 2,600.00
121.610-0002-017	H	33 Bartlett St.	2005 2006	3,850.00 <u>10,000.00</u>
Grand Total				\$18,250.00

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2007-8, Resolution No. 2007-9  
And Resolution No. 2007-10

Re: RGRTA Appointments

Transmitted herewith for your approval is legislation nominating the following persons for appointment and reappointment to the Rochester-Genesee Regional Transportation Authority (RGRTA).

Appointment:

Barbara J. Jones  
45 Fairfax Road  
Rochester, NY 14609

Sara I. Taylor  
248 Willmont Street  
Rochester, NY 14609

Karen C. Pryor  
224 Roslyn Street  
Rochester, NY 14619

Matthew J. Fero  
58 Elmerston Road  
Rochester, NY 14620

Reappointment:

Thomas R. Argust  
37 Gaslight Lane  
Rochester, NY 14610

Jack A. Schroeder  
180 Nunda Boulevard  
Rochester, NY 14610

Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGRTA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative bodies of the participating municipalities. Two nominations are required for each commissioner position, along with a recommendation of one of the two. Ms. Jones, Ms. Pryor and Mr. Argust are so recommended.

Tuesday, March 20, 2007

The recommendation of Ms. Jones is to fill the seat of Commissioner Marilyn Schutte, whose five-year term expired over a year ago. The recommendation of Ms. Pryor is to fill the seat Commissioner Stephen Horstman, whose five-year term also expired over a year ago. The recommendation to reappoint Commissioner Argust recognizes that although his current term has also expired, he was only actually appointed in June 2005. The length of term for each Commissioner is five years.

Respectfully submitted,

Lois J. Giess  
President

Resolution No. 2007-8  
(Int. No. 97)

Resolution Nominating Various Persons For Membership On The  
Rochester-Genesee Regional Transportation Authority

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Marilyn Schutte:

Barbara J. Jones  
45 Fairfax Road  
Rochester, NY 14609

Sara I. Taylor  
248 Willmont Street  
Rochester, NY 14609

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Barbara J. Jones to such position because of her interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2007-9  
(Int. No. 98)

Resolution Nominating Various Persons For Membership On The  
Rochester-Genesee Regional Transportation Authority

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Stephen Horstman:

Karen C. Pryor  
224 Roslyn Street  
Rochester, NY 14619

Matthew J. Fero  
58 Elmerston Road  
Rochester, NY 14620

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment

Tuesday, March 20, 2007

of Karen C. Pryor to such position because of her interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2007-10  
(Int. No. 99)

Resolution Nominating Various Persons For Membership On The  
Rochester-Genesee Regional Transportation Authority

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Thomas R. Argust:

Thomas R. Argust  
37 Gaslight Lane  
Rochester, NY 14610

Jack A. Schroeder  
180 Nunda Boulevard  
Rochester, NY 14610

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the reappointment of Thomas R. Argust to such position because of his interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-86  
Re: Competitive Grant Applications -  
Fiscal Year 2007-08

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2007-08. As you know, one of the goals of this administration is to increase revenue from granting sources. This legislation will help to streamline the process by which the City applies for competitive federal, state and private grants.

There are over 900 grant programs offered by Federal grant-making agencies, as well as hundreds of state, regional and private grant opportunities that the City qualifies for as a municipality. Frequently granting agencies require City Council endorsement as part of the application process.

Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

When any of the following conditions apply, grant applications will continue to require individual Council endorsement:

Tuesday, March 20, 2007

1. If the City is required to pay more than 50% of the cost of the project in the form of operating capital;
2. If the award exceeds \$1,000,000; or
3. If, in the case of a capital project, completion is required in one calendar or less.

The City will develop and maintain an inventory of available grant resources to further optimize our ability to take full advantage of funding opportunities. Reports on funds received will be presented to Council on request.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-86  
(Int. No. 100, As Amended)

#### Authorizing Competitive Grant Applications

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

Section 3. The applications shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Grant applications which obligate the City of Rochester to pay more than [50% of the cost of the project] \$250,000 in the form of operating capital shall require City Council authorization.

Section 5. Grant applications exceeding \$1,000,000 and awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Section 6. This ordinance shall take effect immediately and shall extend through June 30, 2008. Thereafter, approval shall be sought annually.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-87  
Re: Agreement - Gartner, Inc. -  
Information Technology Services

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Gartner, Inc. for information technology research and advisory services. The cost of this agreement will be funded from the Undistributed allocation of the 2006-07 Budget.

Gartner, Inc. is a leading independent information technology (IT) research firm which provides research and advice on vendors, product technology, and best practices used in the field and in governmental agencies. Gartner's expertise will assist the City's new Chief Information Officer and the City's IT unit in

Tuesday, March 20, 2007

developing general IT strategy, making recommendations on vendor selection, and the implementation of best practices within IT and other City departments on specific IT automation initiatives.

The proposed agreement is for a term of one year.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-87  
(Int. No. 101)

Establishing Maximum Compensation For A Professional Services  
Agreement For Information Technology Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Gartner, Inc. for information technology research and advisory services. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-88  
Re: Agreements - Adolescent Pregnancy  
Prevention Services Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Children and Family Services for the receipt and use of a \$377,396 grant for the Adolescent Pregnancy Prevention Services Program, and establishing maximum compensation with the CONECTS consortium of providers as follows:

Charles Settlement House Inc.	\$ 50,133
Junior Achievement	3,400
Society for the Protection & Care of Children (TAPSS)	95,000
Baden Street/Metro Council For Teen Potential	50,000
PRYD (Puerto Rican Youth Development)	21,267
YWCA of Rochester and Monroe County	<u>70,000</u>
	\$289,800

The remaining amount, \$87,596, is included in the 2006-07 Budget to cover administrative costs.

The CONECTS program, initiated in 1984, is a consortium of agencies whose purpose is to reduce the rate of initial and repeat teen pregnancies and provide services to pregnant or parenting teenagers. The City's Bureau of Youth Services is the lead agency for the grant, and the Metro Council For Teen Potential serves as the policy making community board for the collaborative. The above service providers were selected through a Request For Proposal application and review process, administered by the Bureau of Youth Services in partnership with the CONECTS Collaborative in July 2006. The program will serve a total of 420 youth and their families.

The Metro Council for Teen Potential (Community Council for APPS) and the NYS OCFS reserves the right to allocate funds between subcontractors as needed during the contract year.

Respectfully submitted,  
Robert J. Duffy

Tuesday, March 20, 2007

Mayor

Attachment No. AG-33

Ordinance No. 2007-88  
(Int. No. 102)

Authorizing Agreements For The Adolescent Pregnancy Prevention  
Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House, Inc.	\$50,133
Junior Achievement	3,400
Society for the Protection & Care of Children (TAPSS)	95,000
Baden Street/Metro Council for Teen Potential	50,000
Puerto Rican Youth Development	21,267
YWCA of Rochester & Monroe County	70,000

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$289,800, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife is an employee of one of the affiliated agencies.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Law No. 8  
Re: Amendments to the City Charter and  
Municipal Code

Transmitted herewith for your approval is legislation authorizing several amendments to the City Charter required to reflect recent changes in the structure of the administration, and to accommodate changes regarding actions and proceedings in City and State Supreme Courts. These amendments are as follows:

Tuesday, March 20, 2007

1. Section 2-18, Code of Ethics. The list of those required to file financial disclosure statements will be updated to include new titles and new positions and deleting unused titles.
2. Section 3-12 Director of Information Systems. This section will be replaced in its entirety with a description of the duties for Chief Information Officer, a new position superceding the Director of Information Systems.
3. Section 3-13 Internal Auditor. This section will be replaced in its entirety with a description of the duties for the Director of the Office of Public Integrity, a new position superceding the Manager of Internal Audit.
4. Section 8C-5 Director of Personnel. The title will be replaced with Director of Human Resource Management to reflect the correct name of the bureau.
5. Section 8D-1 Emergency Communications Department. The term “director” will replace the term “manager” to reflect the correct title of the head of this department.
6. Section 9-21 of the Charter, Actions to restrain nuisances and Section 52-3 of the Municipal Code, Penalties for offenses. These sections are being amended to allow actions and special proceedings to restrain nuisances and code violations to be brought in either City Court or State Supreme Court. Section 9-21 of the City Charter currently allows actions to restrain nuisances to be brought in any court of competent jurisdiction. The amendment will add special proceedings to this authority, as a special proceeding is often the appropriate method to abate a nuisance. Section 52-3 of the Municipal Code allows equity actions or special proceedings to be brought in State Supreme Court to abate code violations. State law now also provides City Court with jurisdiction over such actions or proceedings, and the legislation will allow the City to enjoin and abate violations in City Court and Supreme Courts.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-34

Local Law No. 8  
(Int. No. 58, As Amended)

Local Law Amending The City Charter With Respect To Financial  
Disclosure Statements

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending Section 2-18, Code of Ethics, by amending the list of persons required to file financial disclosure statements in Subsection G(1) thereof to read in its entirety as follows:

Mayor  
Candidate for Mayor  
Deputy Mayor  
Chief of Staff  
Assistant to the Mayor  
Member of City Council  
Candidate for City Council  
City Clerk  
Director of Budget and Efficiency  
Assistant Director of Budget and Efficiency  
Chief of Performance Accountability and Customer Satisfaction  
Director of Human Resource Management

Tuesday, March 20, 2007

Deputy Director of Human Resource Management  
Manager of Labor Relations  
Executive Secretary of the Civil Service Commission  
Director of Communications  
Deputy Director/Communications  
Corporation Counsel  
Deputy Corporation Counsel  
Municipal Attorney IV  
[Municipal Attorney III]  
Youth Intervention Supervisor  
NET Director  
NET Administrator  
NET Code Coordinator  
Director of the Office of Public Integrity  
Manager of Internal Audit  
Chief Information Officer  
Director of Information Systems  
[Assistant Director of Information Systems]  
Director of Finance  
Director of Accounting  
City Treasurer  
Deputy City Treasurer  
Assessor  
Deputy City Assessor  
Director of Parking Violations  
Purchasing Agent  
Commissioner of Community Development  
Deputy Commissioner of Community Development  
Director of Planning  
Director of Zoning  
Supervising City Planner/Zoning  
Manager of Housing  
Manager/Plan Review/Building Inspection  
Director of Development Services  
Director of Real Estate  
Manager of Technical Services  
Manager of Contract Services  
Commissioner of Economic Development  
Deputy Commissioner/Economic Development Department  
[Director of Community and Economic Development Integration]  
Manager of Business Development  
Manager of Downtown Development  
Municipal Parking Coordinator  
Commissioner of Environmental Services  
Deputy Commissioner of Environmental Services  
Chief of Security Operations  
[Superintendent of Security]  
City Engineer  
Managing Engineer/Street Design  
Managing Engineer/Construction  
Director of Operations  
Assistant Director of Operations  
Refuse Operations Manager  
Operations Manager  
Street Maintenance Manager  
Manager/Building Services  
[Manager/Contract Services]  
[Manager/Customer Satisfaction]  
Manager/Environmental Quality  
Managing Architect  
[Senior Architect]  
[Senior Engineer/Mechanical]

Tuesday, March 20, 2007

Director of Water Bureau  
Managing Engineer/Water Design  
[Senior Engineer/Water Design]  
Manager/Water Distribution  
Manager/Water Production  
Fleet Service Manager  
Emergency Communications Center Director  
Deputy Director/Emergency Communications Department  
Chief of Police  
Deputy Police Chief  
Police Commander  
[Police Captain]  
Manager of Police Property  
Senior Property Clerk  
Property Clerk  
Fire Chief  
Executive Deputy Fire Chief  
Deputy Fire Chief  
Fire Marshal  
[Battalion Chief]  
Superintendent/Fire Equipment Maintenance  
Lieutenant in charge of Supply Depot  
Commissioner of Recreation and Youth Services  
Deputy Commissioner of Recreation and Youth Services  
Director of Recreation/Leisure Services  
Manager of Human Services Planning  
[Principal Staff Assistant]

Persons occupying other positions, determined by the Mayor to be policy-making positions in a document transmitted to the Secretary of the Board of Ethics by December 31 of each year, shall also be required to file financial disclosure statements as prescribed herein.

Section 2. This local law shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

---

By Councilmember McFadden  
March 20, 2007

To the Council:

The following entitled legislation is being Held in committee:

Int. No. 103 - Amending The Municipal Code With Respect To Search Warrants

Respectfully submitted,  
Adam C. McFadden  
Dana K. Miller  
Robert J. Stevenson  
Lois J. Giess  
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL

Tuesday, March 20, 2007

Ladies and Gentlemen:

Introductory No. 103  
Re: Amending the Municipal Code -  
Administrative Search Warrants

Transmitted herewith for your approval is legislation amending the Municipal Code to provide specific authority for the Courts to issue administrative search warrants in conjunction with the enforcement of City codes.

Currently, authority for such warrants is provided through decisions of the United States Supreme Court and the New York State Court of Appeals, and through the Criminal Procedure Law. Adoption of this legislation will provide specific local authority and procedures for the issuance of administrative warrants. This will provide guidance for the City and the Courts and allow citizens to understand the search warrant process. At present, most warrants are granted following criminal procedures which often are not easily adapted to fit administrative needs. Administrative search warrants are often required by the City in enforcement of fire, building, property conservation and lead paint codes.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Introductory No. 103

#### Amending The Municipal Code With Respect To Search Warrants

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 52 of the Municipal Code, Enforcement Procedures, as amended, is hereby further amended by designating the current Sections 52-1 through 52-9 as Article I, General Provisions, and by adding thereto a new Article II to read in its entirety as follows:

Article II. Administrative Search Warrants.

§ 52-10. Administrative search warrants; in general; definition.

- A. Under circumstances prescribed in this article, an authorized City officer or employee may make an application to either Rochester City Court, County Court or State Supreme Court for an administrative search warrant to inspect any premises located within the jurisdictional boundaries of the City of Rochester.
- B. An administrative search warrant is a written order signed by a judge of competent jurisdiction directing an authorized City officer or employee to conduct an inspection of any premises and further authorizing the photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any federal, state, county or city laws, ordinances, rules or regulations relating to the maintenance, operation, use, condition or occupancy of the premises located within the City of Rochester, or to enforce the provisions of any such law, ordinance, rule or regulation.
- C. Probable cause for an administrative search warrant shall be:
  - 1. Credible evidence that the subject premises is in violation of any applicable federal, state, county or city law, ordinance, rule or regulation; or
  - 2. Reasonable legislative or administrative standards for conducting an inspection are satisfied with respect to the particular premises to be inspected; or
  - 3. An application for a Certificate of Occupancy, Business Permit, permit, license or other similar document which authorizes the construction, use, occupancy or alteration of the premises has been submitted and the occupants and the owner have failed to arrange for, deny or unduly delay the inspection; or

4. Any re-inspection that is required to determine whether violations have been corrected.

§ 52-11. Right of entry.

In the performance of official duties, subject to the further requirements herein and the obtaining of a warrant where constitutionally required, City officers or their employees may enter any premises in the City to enforce federal, state, county or city laws, ordinances, rules or regulations, at any reasonable time, or at any time in an emergency that might endanger public health or safety.

§ 52-12. Entry without notice or warrant.

Neither an administrative search warrant nor prior notice is needed in any of the following circumstances:

- A. If entry is by permission or at the request of an occupant of the premises or a person with apparent right of possession;
- B. If the premises is open and accessible to members of the general public including but not limited to unsecured vacant structures;
- C. If the City officer or employee reasonably believes that an imminent danger to health or safety exists or may exist;
- D. City officers or employees are entering the premises under the authority of a Court ordered criminal search warrant; or
- E. In response to or immediately after a fire, emergency, accident or disaster.

§ 52-13. Authority to seek warrant.

Where appropriate, a City officer or employee may seek an administrative search warrant to enter any premises in the City to make an inspection or to take any other authorized action to administer and enforce federal, state, county or city laws, ordinances, rules or regulations.

§ 52-14. Initial warrant after prior notice.

Before the officer or employee may apply for an initial administrative search warrant to make a routine inspection, the officer or employee must give prior notice of his or her intent to the occupant or other person with apparent right of possession or, in the case of an unoccupied structure or premises, to the owner, the owner's agent or other person in apparent control of the structure or premises. No further notice is required for any subsequent administrative search warrants sought on that case or any cases arising concurrently.

§ 52-15. Contents of notice.

The notice must:

- A. State the date and time at which the City officer or employee will be present to make inspection;
- B. Inform the person notified that he or she may reschedule the inspection to a reasonable date and time by contacting the officer or employee before the stated date; and
- C. Advise that if the inspection is not conducted, the City officer or employee will make an ex parte application for an administrative search warrant.

§ 52-16. Service of notice when premises is occupied.

If the premises is occupied, the notice must be either sent by first class mail or personally delivered to the occupant or person with apparent right of possession. The notice shall be addressed to the occupants if the

Tuesday, March 20, 2007

names are provided by the owner in writing, otherwise notice shall be sufficient if addressed to the occupant of the particular unit.

§ 52-17. Service of notice when premises is unoccupied.

If the premises is unoccupied, the notice must be mailed to the owner's tax mailing address for the premises or personally served upon the owner.

§ 52-18. When a warrant with notice application may be submitted.

After notice has been given, if the person notified fails to arrange for, denies or unduly delays the entry, the City officer or employee may apply to a court of competent jurisdiction for an administrative search warrant to authorize the inspection.

§ 52-19. Warrant without prior notice.

A City officer or employee may apply for an administrative search warrant to enter a premises without giving the prior notice otherwise required by §52-14 if there is credible evidence to believe that a violation of any federal, state, county or local law, ordinance, rule or regulation exists which creates an unsafe condition that may result in injury to occupants. The basis of the application for the search warrant is the failure of either the occupants or owner to permit entry to reinspect the premises to determine if violations have been corrected, or that a City officer or employee was unable to execute a Court ordered administrative search warrant before it expired.

§ 52-20. Administrative search warrants; the application.

The application for an administrative search warrant must:

- A. Be in writing;
- B. State the name of the court and the name and title of the applicant;
- C. State the time and date of the making of the application;
- D. Identify the premises to be entered and inspected in sufficient detail and particularity that the City officer or employee executing the administrative search warrant can readily ascertain it;
- E. In cases where prior notice is required, that notice has been given and entry has not been arranged for or has been denied or unduly delayed by the person notified;
- F. State facts sufficient to demonstrate probable cause for the issuance of an administrative search warrant;
- G. Be verified by the oath or affirmation of the applicant;
- H. Be signed by the applicant; and
- I. Request that the court issue an administrative search warrant directing an inspection of the premises in question.

§ 52-21. Issuance of the administrative search warrant.

A. Hearing and Procedure.

In determining an application for an administrative search warrant the court may, but need not, examine, under oath, any person whom it believes may possess pertinent information. Any such examination must be either recorded or summarized on the record by the court.

B. Determination of Application.

Tuesday, March 20, 2007

- (1) In determining whether the City officer or employee has alleged facts to support a finding that probable cause exists to conduct the inspection, the judge shall determine whether the action to be taken by the City officer or employee is reasonable in light of the facts stated. In making this assessment, the court should consider the goals of the law, ordinance, rule or regulation sought to be enforced and such other factors as may be appropriate, including but not limited to, the maintenance, operation, use, condition or occupancy of the specified premises, the age and nature of the premises, where it is located, the known violation of any relevant law, ordinance, rule or regulation and the passage of time since the premises' last inspection.
- (2) If it appears from the application and any supporting affidavits that there is probable cause to inspect, an administrative search warrant shall immediately be issued.
- (3) The administrative search warrant shall issue in the form of an original and two copies.

C. Contents of the Warrant.

The warrant shall:

- (1) Be in writing, state the name of the issuing court and contain the subscription of the issuing judge;
- (2) State the name, department or title of the City officer or employee authorized to conduct the requested inspection and to whom it is addressed;
- (3) Direct that a peace officer may, if requested by the City officer or employee, assist in the execution of the administrative search warrant;
- (4) State the time and date the warrant was issued and the duration of the warrant;
- (5) Identify the premises to be entered and inspected in sufficient detail and particularity that the officer or employee executing the warrant can readily ascertain it;
- (6) For warrants of premises containing multiple dwelling units, a provision which authorizes a single entry into each unit, which entry need not occur at the same date and time for all units, but which entries must occur before the expiration of the warrant;
- (7) Direct that the administrative search warrant be executed between the hours of 7:00 a.m. and 8:00 p.m., or when the court has specially so determined, direct execution thereof at any time of the day or night;
- (8) Direct that the administrative search warrant authorizing entry to the designated premises shall be served upon the owner and/or occupants personally; or in the alternative, the Court may authorize service by means of confirmation mail and shall require the owner and/or occupants to provide the designated City officer or employee with a reasonable date and time to conduct the inspection, which date and time must be within seven (7) days of receipt of the warrant or thereafter entry shall be authorized upon personal service; and
- (9) A notice to the owner and occupants that it is unlawful to deny entry or access to any premises to any City officer or employee to whom an administrative search warrant has been issued authorizing inspection of said premises or to unduly delay or fail to set a date and time for the court ordered inspection, and that such failure can result in a finding of contempt by a City, County or State Supreme Court Judge.

§ 52-22. Execution of the administrative search warrant.

- A. Except as provided in Subsection B of this section, in executing an administrative search warrant, the officer or employee authorized by the court to execute the warrant shall, before entry, make a reasonable effort to present his or her credentials, authority and purpose to an occupant or person in possession of the premises designated in the warrant, and to serve a copy of the warrant upon the occupant or person in possession of the premises;

Tuesday, March 20, 2007

- B. In executing an administrative search warrant, the officer or employee authorized to execute the warrant may promptly enter the designated premises if it is or is reasonably believed to be vacant or unoccupied. Such officer or employee need not provide notice of his or her authority and purpose as prescribed in Subsection A of this section;
- C. A peace officer may be requested to assist in the execution of the administrative search warrant;
- D. Any administrative search warrant issued shall be executed within:
  - (1) The time specified in the warrant, not to exceed forty-five (45) days; or
  - (2) If no time is specified therein, within forty-five (45) days from its date of issuance.

§ 52-23. Unlawful to refuse entry.

It shall be unlawful for any person to refuse entry or access to any premises to any officer or employee with an administrative search warrant or to fail to schedule a date and time for the inspection as set forth in the administrative search warrant. Any person who fails to permit the inspection, including failing to schedule an inspection after receiving a copy of the administrative search warrant, may be found in contempt of the court's order and punishment may consist of a fine or imprisonment or both.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

ITEM HELD

---

By Councilmember Pritchard  
March 20, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 104 - Authorizing A Lease Agreement And Purchase Option For A Portion Of 1030 Jay Street

Int. No. 105 - Authorizing The Exchange Of Land With Rochester Midland Corporation

Int. No. 106 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Building Evaluation Of Midtown Plaza

Int. No. 115 - Local Law Adding The Carestream Health, Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

The Jobs, Economic Development & Center City Committee recommends for Consideration the following entitled legislation:

Int. No. 107 - Approving The Urban Renewal Plan For The Midtown Urban Renewal Project

Int. No. 108 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Midtown Urban Renewal Project

Int. No. 109 - Changing The Zoning Classification Of The Midtown Plaza Parcels At 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E. Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S. Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35 Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67 Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street And 45 Euclid Street From Center City District-Tower District (CCD-T) To Midtown Urban Renewal District

Tuesday, March 20, 2007

Respectfully submitted,  
William F. Pritchard  
Adam C. McFadden  
Dana K. Miller  
Lois J. Giess  
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-89  
Re: Lease Agreement - Jay  
Hague Properties LLC

Transmitted for your approval is legislation authorizing a two year lease, with purchase option, of a portion of City owned property located at 1030 Jay Street to Jay Hague Properties, LLC. The lease price of \$1200 per year was determined by an independent appraisal prepared by Kevin Bruckner.

Jay Hague Properties is a related entity of Woerner Industries, Inc. who will use the site to relocate parking and access, allowing the construction of a 5000 square foot addition to their existing building on the adjacent site at 485 and 471 Hague Street.

Woerner, founded in 1918 as a manufacturer of church furniture, acquired Lassco Products, a graphic arts equipment manufacturer in 1936. In 1998 the company was acquired by its current owners, and in 2006 the company acquired a Michigan based church furniture manufacturing company. Woerner will expand the existing facility to accommodate relocated operations.

Prior to the acquisition, Woerner employed 38; fourteen are city residents. The expansion project will result in approximately ten new jobs over the next three years. The total cost of the acquisition, purchase of machinery and equipment, and construction is more than \$750,000. The City will assist the company with financing for the building expansion.

The 1.23 acre property at 1030 Jay Street will be subdivided. The parcel to be leased, .27 acres, is vacant industrial land. Previous environmental work identified fill materials including soil, gravel, asphalt, concrete, slag, ash, dried paint petroleum/volatile and semi volatile organic compounds associated with prior operations. A limited subsurface study was conducted in 2006. Two options to address the fill material were identified by the environmental consultant: complete removal of the material, or implementation of environmental management and health and safety plans.

Woerner will lease the property in "as is" condition for the two-year term. During the lease term, the city will conduct environmental remediation activities. Upon completion, Woerner will purchase the property and complete permanent physical improvements for parking.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-35

Ordinance No. 2007-89  
(Int. No. 104)

Authorizing A Lease Agreement And Purchase Option For A Portion  
Of 1030 Jay Street

Tuesday, March 20, 2007

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Jay Hague Properties, LLC, for the lease of a portion of 1030 Jay Street for two years. The agreement shall obligate Jay Hague Properties, LLC, to pay rent in the annual amount of \$1,200, payable in monthly amounts of \$100. The agreement shall also contain a purchase option which will allow Jay Hague Properties, LLC, to purchase the property for its appraised value at the end of the lease term.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-90

Re: Exchange of Land with Rochester  
Midland Corporation

Transmitted for your approval is legislation authorizing the exchange of property owned by the City for property owned by Rochester Midland Corporation. The exchange will permit re-development of Rochester Midland Corporation's adjacent property at 333 Hollenbeck Street and the development by the City of the exchange parcel for recreational purposes, together with adjacent City-owned land.

The City property to be exchanged is a portion of a parcel of railroad land at 0000 St. Paul Street (SBL No. 91-.69-2-24) and is approximately .58 acres (34 feet by 732 feet) of vacant land. The property owned by Rochester Midland is located at 530 Conkey Avenue (SBL 91.69-2-14) and a portion of 271 Norton Street (SBL 91-.69-2-24); combined they comprise approximately 1.01 acres of vacant land. The parcels are described in the attached Schedules A and B.

An appraisal prepared by Robert Pogel has determined that the value of the City parcel is \$23,000 and the value of Rochester Midland's parcel is \$24,000. The parties agree that the values are equivalent and that there will be no additional consideration or compensation due for the exchange.

Rochester Midland owns land on both sides of the abandoned rail corridor, and for more than ten years has desired to acquire the City parcel to complete an expansion of its facility. This exchange will allow Rochester Midland to expand in its existing location and operate more efficiently. Rochester Midland Corporation, founded in Rochester in 1888, currently has 180 local employees, and manufactures and distributes chemical and personal care products world wide.

Rochester Midland will accept the property in an "as is" condition. Midland has been accommodating in working with the City so that the proposed El Camino-Butterhole trail and the company's expansion can both be achieved.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-36

Ordinance No. 2007-90  
(Int. No. 105)

Tuesday, March 20, 2007  
Authorizing The Exchange Of Land With Rochester Midland  
Corporation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an exchange of land with Rochester Midland Corporation whereby the City will exchange a portion of the City owned railroad parcel at 0000 St. Paul Street, SBL #91.21-1-1, for parcels owned by Rochester Midland Corporation at 530 Conkey Avenue, SBL #91.69-2-14, and a portion of 271 Norton Street, SBL #91.69-2-24.

Section 2. For the parcels to be acquired by the City, any taxes levied after the date of closing, while the City still owns the parcels, shall be canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-91  
Re: Amendatory Agreement - Midtown  
Plaza Evaluation

Transmitted herewith for your approval is legislation authorizing a second amendatory agreement with Bergmann Associates for the building evaluation services for Midtown Plaza which it conducted in conjunction with the City's option to buy the Plaza. Bergmann Associates conducted an initial review of reports and studies of Midtown Plaza in an amount not to exceed \$9,750.

By Ordinance No. 2006-369, Council authorized an amendatory agreement to complete the building review of Midtown Plaza in an amount not to exceed \$45,750. This amendatory agreement failed to contain sufficient funds for copies of the voluminous reports requested by the City. An additional \$770 is required, which will increase the total to be paid to Bergmann to an amount not to exceed \$56,270. The cost of the amendatory agreement will be funded from the 2006-07 Budget for Undistributed Expense.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-91  
(Int. No. 106)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For A Building Evaluation Of  
Midtown Plaza

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$770, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for building evaluation services of Midtown Plaza. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Tuesday, March 20, 2007

Local Law No. 9  
Re: NYS Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of Carestream Health Inc. in the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

The NY State Empire Zone Program, with the approval of Empire State Development, allows local Empire Zones to include regionally significant projects, i.e., manufacturing companies projecting at least fifty new jobs within five years. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage

Carestream Health, Inc intends to acquire the Eastman Kodak Company health business, making Carestream a leading global provider of innovative medical imaging and health care information technology solutions. Carestream's operations would include the development, manufacturing, marketing and sale of digital x-ray systems, computed radiography systems, molecular imaging systems, picture archiving and communications systems and film to meet the growing imaging and information need of the health care community.

Carestream will purchase the assets of the health business from Kodak, including properties at 150 Verona Street and 1049 West Ridge Road, and equipment. The company will retain the 819 employees who are currently employed by Kodak Healthcare, and projects, within five years, the creation of at least fifty new jobs, including:

- \* Research & Development Technicians and professionals
- \* Professional positions in human resources, purchasing, marketing, finance
- \* Management
- \* Support staff
- \* Manufacturing professionals at all levels including; testing, quality control and fabricators

Attached is the legal description of the project area to be included within the City of Rochester Empire Zone.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-37

Local Law No. 9  
(Int. No. 115)

Local Law Adding The Carestream Health, Inc. Facilities To The  
City Of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Carestream Health, Inc. is proposing an expansion at 150 Verona Street and 1049 West Ridge Road in the City of Rochester; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone shall also determine that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law;

Tuesday, March 20, 2007

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Carestream Health Inc.'s manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the properties described as follows: 150 Verona Street, S.B.L. #106.770-0001-002/0000, and 1049 West Ridge Road, which is described as follows:

All that tract or parcel of land situated in Lot 69, Township 1, Short Range, 20,000 Acre Tract in the Mill Seat Tract, City of Rochester, County of Monroe, and State of New York and being more particularly described as follows:

Beginning on the southerly right of way of West Ridge Road at the northwesterly property corner of lands of now or formerly of Cheryl D. Hogan; thence

- 1) S 01° 05' 21" E, a distance of 586.50 feet to a point; thence
- 2) N 88° 54' 39" E, a distance of 15.00 feet to a point; thence
- 3) S 01° 05' 21" E, a distance of 50.00 feet to a point; thence
- 4) S 88° 54' 39" W, a distance of 15.00 feet to a point; thence
- 5) S 00° 40' 21" E, a distance of 120.00 feet to a point; thence
- 6) N 89° 34' 08" E, a distance of 399.67 feet to a point; thence
- 7) S 00° 24' 20" E, a distance of 391.21 feet to a point; thence
- 8) N 89° 35' 40" E, a distance of 288.22 feet to a point; thence
- 9) S 00° 24' 20" E, a distance of 60.00 feet to a point; thence
- 10) N 89° 35' 40" E, a distance of 38.00 feet to a point; thence
- 11) S 00° 24' 20" E, a distance of 458.30 feet to a point; thence
- 12) S 89° 35' 40" W, a distance of 452.00 feet to a point; thence
- 13) S 00° 24' 20" E, a distance of 2.60 feet to a point; thence
- 14) S 89° 35' 40" W, a distance of 820.00 feet to a point; thence
- 15) N 00° 24' 20" W, a distance of 161.00 feet to a point; thence
- 16) N 52° 28' 59" W, a distance of 156.84 feet to a point; thence
- 17) N 00° 24' 20" W, a distance of 536.00 feet to a point; thence
- 18) N 10° 14' 56" E, a distance of 50.61 feet to a point; thence
- 19) N 89° 33' 10" E, a distance of 594.00 feet to a point; thence
- 20) N 00° 23' 44" W, a distance of 614.77 feet to a point; thence
- 21) N 14° 26' 06" W, a distance of 234.68 feet to a point on said right of way; thence
- 22) S 81° 42' 07" E, along said right of way, a distance of 116.45 feet to the point of beginning, encompassing 25.918 acres of land, more or less.

Tuesday, March 20, 2007

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve the additions to the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-92, Ordinance No. 2007-93  
And Ordinance No. 2007-94

Re: Midtown Urban Renewal District

Transmitted herewith for your approval is legislation amending the Comprehensive Plan and Zoning Map by adopting the Midtown Urban Renewal Plan.

In December 2006, the City Council designated the area generally bounded by East Main Street, Clinton Avenue, Broad Street and Chestnut Street as the Midtown Urban Renewal District. The purpose of this designation was to facilitate the redevelopment of properties within the District.

The Planning Commission held an informational hearing on the plan on February 15, 2007. There were no speakers in opposition to the plan or the Zoning Map amendment. The Commission voted 5-0 to recommend approval. Minutes and the recommendation are attached.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of Rochester, Lead Agency for the environmental review, has determined that the proposed action will not result in any significant environmental effects. A negative declaration has been issued.

The Midtown Urban Renewal Plan is attached.

Public hearings are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-38

Ordinance No. 2007-92  
(Int. No. 107)

Approving The Urban Renewal Plan For The Midtown Urban  
Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following Urban Renewal Plan for the Midtown Urban Renewal Project:

#### MIDTOWN URBAN RENEWAL PLAN

##### I. DESCRIPTION OF PROJECT.

##### A. LOCATION BOUNDARY.

The Midtown Urban Renewal Project is centrally located in downtown Rochester, New York. The district is bounded by East Main Street to the north, Clinton Avenue to the

Tuesday, March 20, 2007

west, Broad Street to the south, and Chestnut and Euclid Streets to the east. Exhibit A includes the project District Boundary Map.

**B. LEGAL DESCRIPTION.**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 4, 2nd Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Clinton Avenue (66' ROW) with the southerly ROW line of East Main Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) N 73° 09' 16" E, along said southerly ROW line of East Main Street, a distance of 407.37 feet to the westerly ROW line of Euclid Street (66' ROW); thence
- 2) S 18° 13' 11" E, along said westerly ROW line of Euclid Street, a distance of 169.54 feet to an angle point in said ROW; thence
- 3) S 70° 58' 35" E, along the southwesterly ROW line of said Euclid Street, a distance of 506.1 feet, more or less, to the westerly ROW line of Chestnut Street (66' ROW); thence
- 4) S 18° 58' 11" W, along said westerly ROW line of Chestnut Street, a distance of 459.0 feet, more or less, to the northerly ROW line of East Broad Street (80' ROW); thence
- 5) S 87° 31' 48" W, along said northerly ROW line of East Broad Street, a distance of 340.68 feet to an angle point; thence
- 6) S 88° 46' 17" W, continuing along said northerly ROW line, a distance of 221.44 feet to the said easterly ROW line of South Clinton Avenue; thence
- 7) N 17° 38' 37" W, along said easterly ROW line of South Clinton Avenue, a distance of 694.13 feet to the said southerly ROW line of East Main Street, said ROW intersection being the Point or Place of Beginning.

**C. BACKGROUND.**

The project area is a 12.96 acre site and contains 16 parcels. Approximately 8 acres of the project area is occupied by Midtown Plaza: a 1.4 million square foot mixed-use, office and retail complex. The project area also includes a number of smaller underutilized and vacant buildings, primarily fronting on Chestnut Street. Midtown Plaza was constructed in 1962 as an enclosed shopping mall which was a destination for most city and county residents for years. The Plaza was anchored by two department stores, McCurdy's and B. Forman, and Wegmans Food Market. The complex also included a 17 story office building and an 1,800 car underground parking garage. The decline of Midtown Plaza began during the rise of suburban shopping malls in the Rochester region. By the mid 1990's, the Midtown retail anchors had closed leaving a significant amount of vacant space. Today, Midtown Plaza is 60% vacant. This vacancy rate will increase to over 86% in spring 2007 when the last major office tenant relocates to another property. This will leave the property with over 1 million square feet of vacant office and retail space. Compounding the problem for revitalization of Midtown is the fact that much of the structures contain significant asbestos contamination. Remediation of the asbestos has been estimated at over \$40 million. A recent assessment completed for the building concluded that most all the building systems (heating, air conditioning, electrical, elevators, etc.) are the original systems installed over 45 years ago, and are in need of upgrades and replacement. The cost to simply renovate the property "as-is", including environmental abatement, has been estimated at \$141 million. Just to the east of the Midtown Urban Renewal District is the East End Entertainment District. The East End has experienced significant private sector investment over the past 15 years, including The Sagamore on East, Chevy Place, Eastman Living Center, Symphony Terrace and several other residential and mixed-use projects. The growth of the East End and the influx of private investment has not been realized west of Chestnut Street. This is directly attributable to the conditions and current uses of

Tuesday, March 20, 2007

several of the Elm Street and Chestnut Street properties. 88 Elm Street is currently owned by the City and has significant asbestos contamination. The property is currently 100% vacant and the reuse of the building is unlikely. The Euclid Square building at 65 Chestnut Street is currently 100% vacant and has little redeeming architectural qualities. The Cadillac Hotel at 45 Chestnut Street is currently operated as a single room occupancy hotel and the use presents one of the most significant obstacles to revitalization of the Midtown Urban Renewal District.

## II. URBAN RENEWAL OBJECTIVES.

The following are key objectives for the Midtown Urban Renewal District:

- A. To eliminate substandard and deteriorated structures and other blighting influences in the project area;
- B. To promote economic development in and around the project area through private development, and asbestos remediation of selected buildings;
- C. To acquire underutilized and vacant properties in the project area for economic development purposes;
- D. To sell city and agency acquired properties for private development;
- E. To generate additional jobs and municipal tax base within the project area; and
- F. To promote uses of underutilized land and buildings within the project area consistent with the Center City Master Plan.

## III. URBAN RENEWAL ACTIONS.

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire selected properties from private owners;
- B. Consider demolition and removal of non-contributing structures in the project area that are not economically feasible to renovate;
- C. Identify structures that may be appropriate for demolition (any properties identified to be demolished may be subject to full review under the SEQR);
- D. Provide relocation assistance, if needed, in accordance with applicable relocation guidelines;
- E. Undertake asbestos removal for selective buildings; and
- F. Dispose of project area development opportunities by sale to qualified developers for renovation or re-development with standards incorporated in the Plan.

## IV. LAND USE PLAN.

### A. PURPOSE.

The Midtown Urban Renewal District is integral to the revitalization of the core Center City of Rochester. The district regulations, which coincide with the Center City District Zoning Code, are intended to emphasize and strengthen downtown as the region's center for business, entertainment, cultural assets and urban living. The following Comprehensive Plan campaign goals are supported by this plan:

### CAMPAIGN SIX - ECONOMIC VITALITY.

Goals:

Tuesday, March 20, 2007

- (B) Develop a business and financial environment that encourages business and individuals to build on our rich entrepreneurial spirit.
- (C) Develop strong, economically viable and diverse neighborhood commercial areas that help to provide entry-level jobs, high-quality goods and personal services to our citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.
- (G) Support and promote opportunities for shopping for residents and visitors at stores, businesses and personal shops within our city.

#### CAMPAIGN EIGHT - TOURISM DESTINATION.

##### Goals:

- (B) Encourage and help create appropriate private, market-driven investments in the local tourism industry that result in additional revenue for businesses and the creation of new jobs for local residents.
- (F) Develop diverse, unique tourism attractions that balance economic issues and impacts with neighborhood preservation, enhancement and preservation.
- (G) Capitalize on our many recreational, historic, civic and business assets as well as our high quality of life to expand recognition of Rochester as a highly desirable tourism destination and attractive place to live.

#### CAMPAIGN TEN - CENTER CITY.

##### Goals:

- (A) Reduce the office and commercial (retail) vacancy rate within our "Center City" through appropriate actions that include attraction of new tenants as well as the removal or conversion of unneeded space.
- (B) Develop unique festivals, events, celebrations and venues within our "Center City" that help create and enhance its identity, draw businesses, residents and visitors and provide a strong "sense of place" and identity for our community.
- (C) Encourage the development of an economically viable "Center City" that functions as the region's 24-hour activity center and is a safe and attractive environment for the cultural, nightlife, business, arts and entertainment center of our region.
- (D) Increase the number of people living in our "Center City" through affordable as well as market-rate housing development.
- (E) Create a strong, competitive and marketable identity for our "Center City" that is locally, regionally and nationally recognized.
- (H) Create a strong visual and aesthetic image for our "Center City" through articulated urban design and unique and inspiring architectural form.

#### B. LAND USE REGULATIONS.

Land uses within the Midtown Urban Renewal District will be regulated by the City of Rochester Center City District (CCD) Zoning. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:

Tuesday, March 20, 2007

1. Warehousing and distribution, unless accessory to the principal use of the property;
2. Rooming houses;
3. Recycling Centers; and
4. Auto Repair.

All of the requirements of the CCD contained in the Rochester Zoning Code shall apply.

V. ACQUISITION AND DISPOSITION PLAN. (see "Exhibit B" for Land Acquisition Map and "Exhibit C" for Land Disposition Map)

A. ACQUISITION PARCELS.

The Midtown Plaza parcels may be acquired by the City or Agency. Midtown Plaza (285 East Main Street, 18-26 South Clinton Avenue, 32-58 South Clinton Avenue, and 100 South Clinton Avenue). The purpose of the purchase is to control the future disposition and redevelopment of the properties. It has been determined that renovation, revitalization or redevelopment of the property cannot occur without intervention by the City of Rochester.

B. DISPOSITION PARCELS.

1. Midtown Plaza Parcels:

The Plaza properties may be sold individually or collectively to a private developer or developers for uses consistent with the CCD Zoning District and the Urban Renewal Plan. It is assumed that the buildings will be renovated and no demolition of any of the structures are being considered at this time. The City or Agency may sell the properties without public auction or sealed bid to a qualified and eligible sponsor pursuant to Article 15, N.Y.S. Urban Renewal Law, S 507 2(c).

2. 88-94 Elm Street:

The subject property is currently owned by the City of Rochester, and will be sold for residential or mixed-use residential-commercial/retail use consistent with the CCD Zoning District and the Urban Renewal Plan. The property is currently 100% vacant and has considerable asbestos contamination.

VI. URBAN RENEWAL PROCEDURES AND PROPOSALS.

A. REVIEW OF SITE AND DEVELOPMENT PLANS.

Site and development plans, including landscaping, shall be submitted to the Director of Zoning for review and approval subject to Site Plan Review. Prior to making a determination, the Director of Zoning shall transmit such plans to the Secretary of the Rochester Urban Renewal Agency for review and comment with respect to the conformance of such plans with the Urban Renewal Plan and its objectives.

B. VARIANCE OF PLAN REGULATIONS.

Variances of Urban Renewal District regulations may be approved by the Zoning Board of Appeals, with the exception of use variances.

VII. TERM OF URBAN RENEWAL PLAN.

This Urban Renewal Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the Rochester City Council.

VIII. OBLIGATION OF DEVELOPERS.

Tuesday, March 20, 2007

When land or buildings within the project area are sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchaser(s) or lessee(s) and their successor(s) or assign(s) shall be obligated by the terms of the contract to devote such land to uses set forth in this urban renewal plan and to begin and complete construction of improvements within a reasonable time as established by the instrument of sale or lease.

#### IX. URBAN RENEWAL PLAN AMENDMENT.

This Urban Renewal Plan may be amended at any time by the Rochester City Council in accordance with procedures then in effect for the amendment of an urban renewal plan.

#### X. RELATIONSHIP TO THE ROCHESTER ZONING CODE.

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning Code of the City of Rochester shall be amended to include Section IV of the plan.

#### XI. SPECIAL PROVISIONS.

##### ANTI-DISCRIMINATION.

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy or use of any real property in the project area on the basis of race, color, creed or national origin.

#### XII. APPENDICES.

EXHIBIT A. Map 1 - District Boundary Map

EXHIBIT B. Map 2 - Land Acquisition Map

EXHIBIT C. Map 3 - Land Disposition Map

Section 2. The Council finds that:

- a. The Midtown Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The Midtown Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Urban Renewal Plan for the Midtown Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-93  
(Int. No. 108)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By  
Adding Zoning Regulations For The Midtown Urban Renewal  
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by adding the following new subsection O thereto:

O. Midtown Urban Renewal District.

(1) Land Use Regulations.

Land uses within the Midtown Urban Renewal District will be regulated by the City of Rochester Center City District (CCD) Zoning. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:

- (a) Warehousing and distribution, unless accessory to the principal use of the property;
- (b) Rooming houses;
- (c) Recycling Centers; and
- (d) Auto Repair.

(2) All of the requirements of the CCD contained in the Rochester Zoning Code shall apply.

Section 2. Section 120-119 of the Municipal Code, relating to Urban Renewal Districts, is hereby amended by adding the following new subsection O thereto:

O. Midtown Urban Renewal District.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-94  
(Int. No. 109)

Changing The Zoning Classification Of The Midtown Plaza Parcels  
At 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E.  
Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S.  
Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35  
Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67  
Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street  
And 45 Euclid Street From Center City District-Tower District  
(CCD-T) To Midtown Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting the Midtown Plaza parcels at 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E. Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S. Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35 Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67 Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street and 45 Euclid Street, from Center City District-Tower District (CCD-T) to Midtown Urban Renewal District:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 4, 2nd Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Clinton Avenue (66' ROW) with the southerly ROW line of East Main Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) N 73° 09' 16" E, along said southerly ROW line of East Main Street, a distance of 407.37 feet to the westerly ROW line of Euclid Street (66' ROW); thence
- 2) S 18° 13' 11" E, along said westerly ROW line of Euclid Street, a distance of 169.54 feet to an angle point in said ROW; thence

Tuesday, March 20, 2007

- 3) S 70° 58' 35" E, along the southwesterly ROW line of said Euclid Street, a distance of 506.1 feet, more or less, to the westerly ROW line of Chestnut Street (66' ROW); thence
- 4) S 18° 58' 11" W, along said westerly ROW line of Chestnut Street, a distance of 459.0 feet, more or less, to the northerly ROW line of East Broad Street (80' ROW); thence
- 5) S 87° 31' 48" W, along said northerly ROW line of East Broad Street, a distance of 340.68 feet to an angle point; thence
- 6) S 88° 46' 17" W, continuing along said northerly ROW line, a distance of 221.44 feet to the said easterly ROW line of South Clinton Avenue; thence
- 7) N 17° 38' 37" W, along said easterly ROW line of South Clinton Avenue, a distance of 694.13 feet to the said southerly ROW line of East Main Street, said ROW intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:40 P.M.

DANIEL B. KARIN  
City Clerk